

Preface

This volume contains laws of the state of New Hampshire passed in the 1970 special session and the regular 1971 session through July 1971.

The laws appearing first are those passed in the special session, 1970, which convened March 25, 1970 and adjourned April 30, 1970. They precede the colored divider. An index to those laws is set out following them.

Immediately following the colored divider are the laws of New Hampshire passed in the January 1971 session from January 6, 1971 through July 1971. Following these laws of 1971 is an index which applies to them.

LAWS

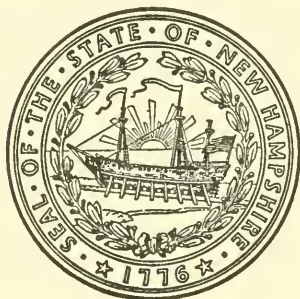
of the

STATE OF NEW HAMPSHIRE

PASSED SPECIAL SESSION, 1970

LEGISLATURE CONVENED MARCH 25, 1970

ADJOURNED APRIL 30, 1970



CONCORD, N. H.

1970

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LAWS

OF THE

STATE OF NEW HAMPSHIRE

SPECIAL SESSION OF 1970

CHAPTER 1.

AN ACT ALLOWING MEMBERS OF THE GENERAL COURT TO WORK AT THE RACE
TRACK ON NONLEGISLATIVE DAYS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

1:1 Member of the General Court. Amend RSA 284:4 by striking out in lines three and four the words "during the time in which the general court is in session," and inserting in place thereof (on any day the general court is in session) so that said section as amended shall read as follows:
284:4 — Member of the General Court. No person, association, or corporation conducting a racing plant under the provisions hereof, nor the commission, shall employ at said racing plant, on any day the general court is in session, any person who is a member of said general court.

1:2 Effective Date. This act shall take effect upon its passage.

[Approved April 1, 1970.]

[Effective date April 1, 1970.]

CHAPTER 2.

AN ACT RELATIVE TO THE PRACTICE OF LAW BY PROFESSIONAL ASSOCIATIONS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

2:1 Practice of Law. Amend RSA 311 by inserting after section 11 the following new section: **311:11-a Exception.** The word "corporation" as used in RSA 311:11 shall not include a corporation of attorneys organized as a professional association under the provisions of RSA 294-A.

2:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 9, 1970.]

[Effective date June 8, 1970.]

CHAPTER 3.

AN ACT RELATIVE TO EXAMINATION AND EDUCATIONAL REQUIREMENTS OF
PHYSICIANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

3:1 Place of Examination. Amend RSA 329:10 by striking out the same and inserting in place thereof the following: **329:10 Examinations.** Examinations shall be held in Concord, or such other place as the board may designate, at least twice a year, and shall be given in the English language; but shall otherwise be conducted according to such rules as the board shall prescribe.

3:2 Subject and Preparation of Examinations. Amend RSA 329:11 by striking out the same and inserting in place thereof the following: **329:11 — Subjects.** For each examination the board shall seasonably prepare suitable questions or obtain such questions from a nationally recognized organization preparing such questions, for thoroughly testing the knowledge of the applicants in such of the basic and clinical medical sciences as the board may direct.

3:3 Qualifications for Examination. Amend RSA 329:12 (supp) as amended by 1969, 326:1 by striking out the same and inserting in place thereof the following:

329:12 — Applicants.

I. The board shall admit to examination any applicant who:

- (a) Pays a fee of one hundred dollars,
- (b) Submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age and of good moral character,
- (c) Is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States,
- (d) Has completed satisfactorily two years of work in college or its equivalent,
- (e) Has studied the treatment of human ailments in a medical school maintaining at the time of such studies a standard satisfactory to the board and has graduated from such school, and
- (f) Has completed an internship approved by the board.

II. The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

3:4 Effective Date. This act shall take effect upon its passage.

[Approved April 13, 1970.]

[Effective date April 13, 1970.]

CHAPTER 4.

AN ACT TRANSFERRING TUBERCULOUS PATIENTS FROM THE STATE
SANATORIUM AND ESTABLISHING THE SANATORIUM AS A HOME FOR
CERTAIN ELDERLY RESIDENTS OF THE STATE HOSPITAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

4:1 New Chapter. Amend RSA by inserting after chapter 138 the following new chapter:

Chapter 138-A**New Hampshire Home For The Elderly**

138-A:1 Declaration and Purpose. The purpose of this chapter is to establish a home for the elderly residents of the New Hampshire State Hospital at the New Hampshire State Sanatorium, and to transfer the tuberculous patients at said sanatorium to hospitals or nursing homes.

138-A:2 Established. The New Hampshire State Sanatorium is hereby named, New Hampshire Home For The Elderly.

138-A:3 Administration. The director of the division of public health services within the department of health and welfare shall be a corporation, know as Director, New Hampshire Home for the Elderly with power to sue upon any contract to which it is by law authorized to be a party; to manage and control the property and concerns of the New Hampshire Home for the Elderly; to appoint with the approval of the commissioner of health and welfare a superintendent. If the superintendent is not a physician, there shall be a classified resident senior physician. The director of public health services shall also, in accordance with the state personnel regulations, and within the limits of available appropriations and funds, appoint such assistants as he may, from time to time, deem necessary or proper; to take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the New Hampshire Home for the Elderly or for the maintenance or help of any resident or residents therein; and to adopt with the approval of the commissioner of health and welfare such bylaws and rules as he may deem necessary or proper for the management of the business affairs and the government of the New Hampshire Home for the Elderly. The commissioner of health and welfare, as authorized by RSA 126-A:2, may carry out such transfers as are necessary to implement the foregoing provisions.

138-A:4 Charges for Care. The charges for the support of the residents of the New Hampshire Home for the Elderly and the tuberculous patients in hospitals or nursing homes as contracted for pursuant to RSA 138-A:8 who are able to pay for their care and treatment shall be fixed by the director, division of public health services.

138-A:5 Eligibility for Admission. The director of the division of mental health may transfer a resident of the New Hampshire Hospital to the New Hampshire Home for the Elderly if he believes it to be in the resident's best interest provided the resident consents and:

- I. Has reached his sixtieth birthday, unless waived by the director for good cause;
- II. His relatives or guardian, if any, consent to the transfer;
- III. He is ambulatory, and free of physical disability;
- IV. He is cooperative, and neat in personal habits;
- V. He does not require intensive nursing or medical care or intensive psychiatric treatment.

138-A:6 Trial Period. Upon making a transfer, the director shall forthwith in writing notify the commissioner of health and welfare thereof and shall give his reasons therefor. If after a thirty-day period the resident does not adjust to the transfer, the resident shall be returned to the New Hampshire Hospital or to a home or facility approved by the director of mental health.

138-A:7 Transfer of Tuberculous Patients. On or after July 1, 1970, any tuberculous patient at the New Hampshire Home for the Elderly shall be as expeditiously as possible transferred by the director of the division of public health of the department of health and welfare to a general hospital or nursing home so designated for the purpose of patient care and treatment by a majority vote of a committee composed of the director of the division of public health of the department of health and welfare, a member of the health and welfare advisory commission appointed by said commission who is a medical doctor, and a medical doctor appointed by the New Hampshire Medical Society.

138-A:8 Contracts for Treatment of Transferred Patients. The commissioner of health and welfare is authorized to enter into contracts with general hospitals and nursing homes for the care and treatment of tuberculous patients. Said contracts shall contain the following provisions:

- I. The medical supervision of tuberculous patients shall remain under a physician or physicians employed by the state.
- II. Tuberculous patients in the hospital facility may be transferred to a nursing home facility when they have become quiescent and noninfectious.
- III. Consultation requests to any of the general hospital staff physicians in the various medical specialties are authorized.
- IV. Treatment of transferred patients by any of the general hospital medical or surgical specialists is authorized.

4:2 Effective Date. This act shall take effect July 1, 1970.

[Approved April 14, 1970.]

[Effective date July 1, 1970.]

CHAPTER 5.

AN ACT IMPOSING A BUSINESS PROFITS TAX, REPEALING CERTAIN TAXES,
PROVIDING TRANSITIONAL MEASURES, REVISING THE RATE OF CERTAIN TAXES,
AND PROVIDING FOR RETURN OF REVENUE TO CITIES AND TOWNS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

5:1 Business Profits Tax. Amend RSA by inserting after chapter 77 the following new chapter:

Chapter 77-A

Business Profits Tax

77-A:1 Definitions. When appearing in this chapter:

I. "Business Organization" means any enterprise, whether corporation, partnership, sole proprietorship, association, business trust, real estate trust or other form of organization, which is organized for gain or profit and which derives economic benefit from the employment of property or labor or both within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code (1954) as amended and except such enterprises state taxation of which is limited by United States Code Chapter 12, section 548 as amended, so long as such limitation exists.

II. "Commission" means the state tax commission.

III. "Gross Business Profits" means:

(a) In the case of a corporation or any other business organization required to make and file a United States corporation income tax return, the amount shown as "taxable income before net operating loss deduction and special deductions" on such return, or in the case of a corporation which elects treatment as a small business corporation under the United States Internal Revenue Code (1954) as amended, the amount shown as "taxable income" on its United States small business corporation income tax return;

(b) In the case of a corporation which does not make and file a separate United States corporation income tax return for itself because it is a member of an affiliated group pursuant to the provisions of Chapter 6 of United States Internal Revenue Code (1954) as amended, the amount which would be shown as "taxable income before net operating loss deduction and special deductions" on such a return if it were not a member of such a group;

(c) In the case of a partnership or any other business organization required to make and file a United States partnership return of income, the amount shown as "ordinary income" plus the amount shown as "payments to partners — salaries and interest" plus the net amount of any gains from the sale of capital assets of the partnership shown on such return;

(d) In the case of a proprietorship, the amount shown as "net profit" on Schedule "C", or equivalent schedule, of the proprietor's United States income tax return, and the amount shown as net income from rents on

Schedule "E", or equivalent schedule, of such return, as applicable, plus the net amount of any gains from the sale of assets held for use in the business activity described in said Schedule "C" or held for rental purposes, as shown on said return;

(e) In the case of a farm proprietorship, the amount shown as "net farm profit" on Schedule "F", or equivalent schedule, of the farmer's United States income tax return plus the net amount of any gains from the sale of capital assets held for use in farming, as shown on said return;

(f) In the case of a trust or estate engaging in trade or business, the amount shown as "net income from trade or business" on the statement attached to its United States fiduciary income tax returns, plus the net amount of any gains from the sale of capital assets held for use in such trade or business, as shown on said return.

IV. "Taxable Business Profits" means gross business profits reduced by the method of allocation provided in RSA 77-A:3 and the deductions allowable under RSA 77-A:4.

V. "Taxable Period" means the calendar year or fiscal year which the taxpayer uses for United States income tax purposes, or that part of a year for which a return is made.

77-A:2 Imposition of Tax. A tax is imposed at the rate of six percent upon the taxable business profits of every business organization.

77-A:3 Allocation. A business organization (a) which derives gross business profits from business activity both within and without this state and (b) which is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business or a corporate stock tax in another state or which is subject to the jurisdiction of another state to impose a net income tax upon it whether such tax is or is not actually imposed, shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion of such gross business profits. Except as hereinafter provided in this section, such allocation shall be made on the basis of the following three factors, equal weight to be given to each:

I. The percentage of value of the total real and tangible personal property employed by the business organization everywhere as is employed by it in the operation of its business within this state;

II. The percentage of the total wages, salaries, commissions and bonuses disbursed by the business organization to employees and salesmen everywhere as is disbursed by it for services rendered within this state. Such compensation is deemed to be disbursed for services in this state if the service is performed entirely within this state, or if the service is performed both within and without this state and the service performed without this state is incidental to the service within this state, or some of the service is performed in this state and (1) the base of operations or, if there is no base of operations the place from which the service is directed or controlled is in this state or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual performing such service resides within this state;

III. The percentage of the total sales (including charges for services) made by the business organization everywhere as is made by it within this state. Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and (1) the purchaser is the United States government or (2) the business organization is not taxable in the state of the purchaser. Sales other than sales of tangible personal property are in this state if the income-producing activity is performed in this state, or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance. The average of the three percentages shall be applied to the total gross business profits of the business organization to ascertain its gross business profits in this state. If the allocation and apportionment provisions of this section do not fairly and reasonably represent the extent of a particular business organization's business activity in this state, the business organization may petition for, or the commission may require for a subsequent taxable period, in respect to all or any portion of the business organization's business activity, if reasonable, (a) separate accounting, (b) the exclusion of any one or more of the factors, (c) the inclusion of one or more additional factors which will fairly represent the business organization's business activity in this state, or (d) the employment of any other method to effectuate an equitable allocation and apportionment of business profits. The business organization is entitled to a hearing by the commission on request in connection with any change in its allocation and apportionment procedure and has the right of appeal from the commission's determination as provided in RSA 77-A:14.

77-A:4 Deductions. The following deductions are allowed from gross business profits in determining taxable business profits:

I. A deduction of such amount of gross business profits as is attributable to taxable income from sources without the United States as determined in accordance with section 862, United States Internal Revenue Code (1954) as amended. This deduction shall be made prior to application of the allocation and apportionment provisions of RSA 77-A:3.

II. In the case of a business organization which is subject to taxation under RSA 77, a deduction of such amount of gross business profits as is attributable to income which is taxable or is specifically exempted from taxation under RSA 77 and which does not qualify for deduction under the provisions of paragraph I of this section.

III. A deduction of such amount of gross business profits as is attributable to income derived from interest on notes, bonds or other securities of the United States.

IV. In the case of a sole proprietorship, including farm proprietorship, or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the enterprise. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship

or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners. In the event there is occasion to determine the reasonableness of a deduction claimed under this paragraph the commission shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commission may take into account the value to the proprietorship or partnership of the labor of its employees and the use of its property and any other factor which may reasonably assist the commission in making a determination. Such deduction as is claimed by the taxpayer shall be deemed reasonable unless the commission finds, by a preponderance of the evidence upon the standards herein set forth and after notice and hearing that the claimed deduction is grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation procedure established in RSA 77-A:3 is allowed only such percentage of the deductions allowable in paragraphs II, III and IV of this section as has been applied by it in ascertaining its gross business profits in this state.

77-A:5 Credits. The following credits are allowed against the tax due under this chapter:

- I. Taxes paid pursuant to RSA 83-B, Franchise Tax;
- II. Taxes paid pursuant to RSA 84, Taxation of Banks;
- III. Taxes paid pursuant to sections of RSA 402, as amended, relating to taxation of insurance companies.
- IV. Taxes paid pursuant to RSA 82, relating to taxation of railroads and public utilities.

Provided, that the total amount of any such credit allowed shall not exceed the tax due under this chapter.

77-A:6 Returns and Declarations.

I. Commencing July 1, 1970, every business organization shall, on or before the first day of the fifth month following expiration of its taxable period, make a return to the commission under such regulations and in such form or manner as the commission may prescribe. Returns shall contain full data as to all matters required by the commission for correct computation of taxable business profits and the tax assessed thereon. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury.

II. At the same time the return is filed as required by paragraph I of this section, every business organization, except those anticipating a gross business profit of less than ten thousand dollars during its subsequent taxable period, shall in addition file a declaration of its estimated taxable business profits and estimated business profits tax for its subsequent taxable period. Such estimated taxable business profits and estimated business profits tax shall be at least equal to the taxable business profits and business profits tax reported on the return filed therewith, unless for good cause the commission permits the taxpayer to make a lesser estimate.

77-A:7 *Payments. One quarter of the taxpayer's estimated business profits tax for the subsequent taxable period is due and payable at the time

the taxpayer files the declaration required in RSA 77-A:6, II; one quarter is due and payable three months thereafter; one quarter is due and payable six months thereafter; and one quarter is due and payable nine months thereafter. If the return required by RSA 77-A:6, I, shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, the commission shall refund such overpayment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payments due, to the extent of the overpayment, at the taxpayer's option. Taxes not paid when due shall bear interest at the rate of ten percent per year computed from the due date.

*This section amended by 1970, 57:6.

77-A:8 Additional Returns. When the commission has reason to believe that a taxpayer has failed to file a return or to include any part of its gross business profits in a filed return, the commission may require the taxpayer to file a return or a supplementary return showing such additional information as the commission prescribes. Upon receipt of the supplementary return, or if none is received within the time set by the commission, the commission may find and assess the amount due upon the information that is available. The making of such additional return does not relieve that taxpayer of any penalty for failure to make a correct original return or relieve it from liability for interest on payments not made when due.

77-A:9 Extension of Time for Returns. For good cause, the commission may extend the time within which a taxpayer is required to file a return, and if such return is filed during the period of extension no penalty may be imposed for failure to file the return at the time required by this chapter, but the taxpayer shall be liable for interest on payments not made when they otherwise would be due but for the grant of extension.

77-A:10 Corrections. Each taxpayer shall report to the commission any change in the amount of its gross business profits as finally determined by the United States Internal Revenue Service with respect to any previous year for which the taxpayer has made a return under this chapter. Such a report shall be made not later than the due date of the next annual return after the taxpayer has received notice that such change has finally been determined.

77-A:11 Taxpayer Records. Every business organization shall:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter;

II. Preserve such records for the period of three years or until any litigation or prosecution hereunder is finally determined;

III. Make such records available for inspection by the commission or any of its members or agents, upon demand, at reasonable times during regular business hours.

Violation of this section is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

77-A:12 Failure to Make Returns; False Returns or Records. The following acts or omissions are unlawful:

I. Failing to make any return or declaration required by this chapter;

II. Making, causing to be made or permitting to be made any false or fraudulent return or declaration or false statement in any return or declaration, with intent to defraud the state or to evade payment of the tax or any part of the tax imposed by this chapter;

III. Making, causing to be made or permitting to be made any false entry in books, records or accounts with intent to defraud the state or to evade the payment of the tax or any part of the tax imposed by this chapter or keeping, causing to be kept or permitting to be kept more than one set of books, records or account with such intent.

Violation of this section is punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than six months, or both such fine and imprisonment.

77-A:13 Adjustments; Procedure. The commission is empowered to determine whether there has been error in the assessment of the tax imposed by this chapter, in accordance with the following provisions:

I. The taxpayer may demand such a determination, in writing within three years after the tax was due;

II. The commission may, on its own motion, undertake such a determination upon written notice to the taxpayer given within three years after the tax was due or paid, whichever is later, except that where the taxpayer has reported a correction pursuant to RSA 77-A:10, such notice must be given within six months of the report;

III. After hearing, if requested by the taxpayer, the commission shall affirm or shall increase or decrease the tax theretofore assessed. Any increase ordered by the commission shall be assessed against the taxpayer and shall carry ten percent interest from the date originally due. Any decrease ordered by the commission shall, with ten percent interest from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer, but such credit and payment together may not exceed the amount of the tax originally paid.

77-A:14 Appeal. Within thirty days after notice of any adjustment of a tax by the commission under RSA 77-A:13, a taxpayer may appeal the commission's determination by petition to the superior court in the county where the taxpayer resides or if not a resident of the state, in the county where it has a place of business or a resident agent. The superior court shall determine the correctness of the commission's action de novo.

77-A:15 Administration.

I. *The commission shall administer the provisions of this chapter. A business profits tax division is created in the tax commission. The commission, as authorized by the governor and council, may employ, subject to personnel statutes, a director, deputy director and assistants to carry out the provisions of this chapter. The commission may delegate the powers, duties and functions assigned to it by this chapter to the director of the business profits tax division and others within the division except the power to determine adjustments under RSA 77-A:13. The deputy director

shall perform the duties assigned to him by the director. Subject to the approval of the commission, the director is authorized to equip the division with furniture, equipment and supplies necessary to administer the division.

*This paragraph amended by 1970, 57:2.

II. The commission shall collect the taxes, interest and penalties imposed under this chapter and shall pay them to the state treasurer. The state treasurer shall pay the expenses of administering this chapter out of any money in the state treasury not otherwise appropriated until taxes under this chapter have been received by him. Thereafter he shall pay the expenses of administration out of taxes, interest and penalties collected under this chapter and he shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the money authorized by this section out of any money in the treasury not otherwise appropriated.

III. The commission may make reasonable rules and regulations to carry out its administration consistent with this chapter. The rules and regulations have the force of law. The commission may institute actions in the name of the state to recover any tax, interest on tax or the penalties imposed by this chapter.

IV. In the collection of the tax imposed by this chapter, the commission may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, and it has all of the duties imposed upon the tax collectors by RSA 80 that are applicable thereto. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

V. *The commission may take the oath of any person in the course of any examination, investigation or hearing authorized by this chapter. In connection with hearings the commission and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commission and taxpayer may take the depositions of witnesses residing within or without the state pertaining to a matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses are the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commission shall be considered as an expense of administration of this chapter.

*This paragraph amended by 1970, 57:5.

VI. Any notice required by this chapter to be given by the commission to a taxpayer shall be made by certified mail to the last known address of the taxpayer and in the case of hearings shall be given at least ten days before the date thereof.

77-A:16 Confidentiality of Commission Records. Notwithstanding any other provision of law and except as hereinafter provided, the records and files of the commission respecting the administration of this chapter are

confidential and privileged. The commission, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the commission's records or files or from any examination, investigation or hearing authorized by this chapter. Neither the commission nor any employee of the commission may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceedings. The following exceptions apply to this section:

I. Testimony by a member or employee of the commission and production of records, files and information in behalf of the commission or a taxpayer in any action or proceeding under the provisions of this chapter where such testimony or the records, files or information, or the facts shown thereby are directly involved in the action or proceeding;

II. Delivery to a taxpayer or his duly authorized representative of a copy of any return or other paper filed by the taxpayer pursuant to this chapter;

III. Publication of statistics so classified as to prevent the identification of a particular return and the items of the return;

IV. Exchange of information with the United States Internal Revenue Service in accordance with compacts made and provided for such cases;

V. Disclosure in confidence to the governor and council or their agent in the exercise of their general supervisory powers, or to any person authorized to audit the accounts of the commission in pursuance of such audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding under this chapter.

77-A:17 Preference. The taxes and interest imposed by this chapter have preference in any distribution of the assets of the taxpayer, whether in insolvency or otherwise.

77-A:18 Dissolution of Corporations. No corporation organized under any law of this state may be dissolved until all taxes and interest imposed upon the corporation under this chapter have been fully paid. The secretary of state shall not issue a certificate of dissolution, and no decree of dissolution shall be signed in any court without a certificate from the commission that no taxes and interest imposed by this chapter are due and unpaid.

5:2 Transition. All definitions in section 1 of this act apply to this section.

I. The tax imposed in section 1 of this act shall apply to gross business profits earned since January 1, 1970.

II. On November 15, 1970, every business organization which has not theretofore filed a return and declaration under section 1 of this act, shall make and file with the commission a declaration of its 1970 estimated taxable business profits by reference to its 1969 United States return and the estimated tax thereon as imposed by section 1 of this act, and shall pay to the commission three quarters of the tax shown in the declaration. On February 1, 1971, such business organizations shall pay the remaining quarter of the estimated tax.

5:3 Repealing the Tax on Machinery. Amend RSA 72:7 by striking out in line one the word "machinery" so that said section as amended shall read as follows: **72:7 Buildings, etc.** Buildings, mills, wharves, ferries, toll bridges, locks and canals and aqueducts owned by private parties, any portion of the water of which is sold or rented for pay, are taxable as real estate.

5:4 Legacy and Succession Tax. Amend RSA 86:6 (supp) as amended by 1963, 112:1 and 1965, 65:1 and suspended by 1969, 286:2 by striking out said section and inserting in place thereof the following:

86:6 Taxable Property and Tax Rate.

I. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state; and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state; which shall pass by will, or by the laws regulating interstate successions, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, shall be subject to a tax of fifteen percent of its value for the use of the state, except as provided in paragraph II.

II. Real and personal property of the decedent shall be exempt from the tax imposed in paragraph I, if it passes to or for the use of any of the following:

- (a) the decedent's spouse;
- (b) the decedent's lineal ascendants and the decedent's lineal descendants which shall include all adopted children in the decedent's line of succession;
- (c) the care of cemetery lots in this state;
- (d) a city or town in this state for public municipal purposes;
- (e) educational, religious, cemetery, or other institutions, societies, or associations of public charity in this state, or in any other state, territory or country, the laws of which at the time of the death of the decedent provide either of the following:
 - (1) do not impose a transfer or death tax of any kind;
 - (2) grant an exemption similar to that provided for in this paragraph, to their domiciliaries, for the property passing to charities in this state.

5:5 Repeal of Temporary Legacy and Succession Tax. Laws of 1969, chapter 286, section 1 relative to the legacy and succession tax and section 2 relative to suspending the operation of RSA 86:6 are hereby repealed.

5:6 *Debt Limits. Amend RSA 33:4-b (supp) as inserted by 1955, 329:1 and amended by 1957, 120:4 and 1959, 209:4 by inserting in line four after the word "commission" the words (and shall include the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26, and 73:27, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,'

enacted by the 1970 Special Session of the General Court, as determined under the provisions of RSA 71:11, V, as amended), so that said section as amended shall read as follows: **33:4-b Debt Limit; Computation.** The debt limitations hereinbefore prescribed, except for counties, shall be based upon the applicable last locally assessed valuation of the municipality as last equalized by the tax commission, and shall include the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26, and 73:27, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 Special Session of the General Court, as determined under the provisions of RSA 71:11, V, as amended. Whenever several municipalities possessing the power to incur indebtedness cover or extend over identical territory, each such municipality shall so exercise the power to incur indebtedness under the foregoing limitations so that the aggregate net indebtedness of such municipalities shall not exceed nine and seventy-five hundredths (9.75) percent of the valuation of the taxable property as hereinbefore determined, except as provided for cooperative school districts under RSA 195:6. A written certificate of the tax commission, signed by any member thereof, shall be conclusive evidence of the base valuation of municipalities for computing debt limits hereunder.

*This section amended by 1970, 57:14.

5:7 Equalization. Amend RSA 71:11, V (supp) as amended by 1957, 102:1 and 1967, 327:2 by inserting in line five after the word "property" the words (including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26, and 73:27, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 Special Session of the General Court, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A) so that said paragraph as amended shall read: V. Equalization. In every even-numbered year to equalize the valuation of the property in the several towns, cities and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property as assessed in towns, cities and unincorporated places such sums as will bring such valuations to the true and market value of said property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26, and 73:27, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 Special Session of the General Court, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA chapter 31-A, and by making such adjustments in the value of other property from which the towns, cities and unincorporated places receive taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just as between them.

5:8 Repeal of Certain Taxes. The following sections and paragraphs of RSA are repealed:

I. RSA 72:15, I (supp) as amended by 1963, 239:1, relating to taxation of stock in trade;

II. RSA 72:15, V (supp) as amended by 1963, 318:1, relating to taxation of neat stock;

III. RSA 72:15, VII (supp) as amended by 1963, 318:2, relating to taxation of poultry;

IV. RSA 72:15, VIII, relating to taxation of motor vehicle fuel pumps and tanks;

V. RSA 72:15, IX, relating to taxation of certain machinery;

VI. RSA 72:15, X, relating to taxation of domestic rabbits;

VII. RSA 72:15, XI, (supp) as inserted by 1965, 264:1, relating to conditions of exemption from tax on neat stock and poultry;

VIII. RSA 72:16 relating to taxation of fur bearing animals;

IX. RSA 72:17 relating to taxation of portable mills;

X. RSA 73:26 and 27 relating to taxation of studhorses and jackasses.

5:9 Inventories. Amend RSA 75:4 (supp) as amended by 1967, 72:1 and 1969, 23:4 by striking out the same and inserting in place thereof the following: **75:4 Inventories.** The selectmen shall set down in their inventory, in separate columns, the value of improved and unimproved land, of buildings, of factories, of public utility property, of house trailers and mobile homes and of all other classes of taxable property.

5:10 Tobacco; Tax Increase. Amend RSA 78:7 (supp) as amended by 1955, 256:1, 1965, 132:1 and 1967, 159:1 by striking out in lines two and sixteen the word "thirty" and inserting in place thereof the word (thirty-four) so that said section as amended shall read as follows: **78:7 Tax Imposed.** A tax upon the retail consumer is hereby imposed at the rate of thirty-four percent upon the value of all tobacco products sold at retail in this state measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word "package" as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the constitution of the United States. Each unclassified importer shall within twenty-four hours after receipt of any unstamped tobacco products in this state notify the tax commission of the amount and brands of tobacco products received and the name and address of the consignor. The tax commission, thereupon, shall notify the unclassified importer of the amount of the tax due thereon, at the rate of thirty-four percent of the value thereof. Payment of the amount due the state shall be made within ten days from the mailing date of the notice thereof. Any unclassified importer refusing to pay the tax on

tobacco products imported by him within ten days after being notified of the amount of said tax by the tax commission, shall be subject to a fine of not less than twenty-five dollars or more than one hundred dollars.

5:11 *Tobacco Tax; Discount Deduction. Amend RSA 78:9 (supp) as amended by 1965, 132:2 and 1967, 159:2 by striking out in line five the words "and one-half" so that said section as amended shall read as follows: **78:9 Stamps.** The tax commission shall secure stamps, of such design and denomination as it shall prescribe, suitable to be affixed to packages of tobacco products, as evidence of the payment of the tax imposed by this chapter. The commission shall sell such stamps to licensed manufacturers, wholesalers and sub-jobbers at a discount of three percent of their face value to encourage manufacturers, wholesalers and sub-jobbers to affix such stamps and compensate them for so doing, and to licensed vending machine operators and retailers at their face value. The tax commission may in its discretion permit a licensed manufacturer, wholesaler, sub-jobber, vending machine operator or retailer to pay for such stamps within thirty days after the date of purchase, provided a bond satisfactory to the tax commission in an amount not less than the sale price of such stamps shall have been filed with the commission, conditioned upon the payment of such stamps. The tax commission shall keep accurate records of all stamps sold to each manufacturer, wholesaler, sub-jobber, vending machine operator and retailer and shall pay over all receipts from the sale of such stamps to the state treasurer daily.

*This section repealed 1970, 57:1.

5:12 Tobacco Products; Definition of Value. Amend RSA 78:1, XV by striking out the same and inserting in place thereof the following: XV. "Usual selling price" means the normal retail selling price of tobacco products as determined by the tax commission but which shall exclude any federal tax thereon excepting the federal tax thereon on the effective date of this paragraph as last amended. In determining the usual selling price the commission shall consider the generally established price of tobacco products at retail stores in this state for a period of at least two years before such determination, and the wholesaler's price, usual retailer's profit, and advertised prices both within and without this state. Advertised "cut-rate" prices and quantity discounts allowed by retailers shall be evidence that the "usual selling price" is higher than such "sale" or bargain prices.

5:13 Tobacco Tax; Temporary Provisions. The director of the division of tobacco products is hereby authorized and empowered to require from tobacco products tax licensees a report of all tobacco products or tobacco tax indicia on hand or in stock whenever deemed necessary for the purpose of collecting the additional tax imposed by this act so far as applicable to tobacco products in the possession of licensees at the time this section becomes effective. He may prescribe such reasonable method and manner by which such licensees shall pay the additional taxes required in order to conform with this act. The provisions of RSA 78:14 are hereby suspended for such length of time as will enable said licensees to dispose of such tobacco products as they have on hand and in stock on the date this law takes effect provided, however, that the additional tax imposed by this act has been paid. Any license may be revoked by the director of the divi-

sion of tobacco products for failure to comply with the provisions of this section.

5:14 Increasing the Commissions on Pari-Mutuel Pools at Running Meets. Amend RSA 284:22, I (supp) as amended by 1955, 74:1; 1957, 122:1; 1961, 34:1 and 1967, 53:1 by striking out in line three the word "fifteen" and inserting in place thereof the following (sixteen); and by striking out in line nine the words "seven and one-half" and inserting in place thereof the word (eight) so that said paragraph as amended shall read as follows:

I. Commissions on such pools at tracks or race meets conducting a running horse race or running horse meet shall be uniform throughout the state at the rate of sixteen percent of each dollar wagered plus the odd cents of all redistribution to be based upon each dollar wagered, exceeding a sum equal to the next lowest multiple of ten, known as "breakage", one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the eight percent tax hereinafter prescribed.

5:15 Increasing the Pari-Mutuel Tax at Running Meets. Amend RSA 284:23, I (supp) as amended by 1957, 122:2 and 1967, 53:2 by striking out in line three the words "seven and one-half" and inserting in place thereof the word (eight) and by striking out in line six the word "one-fourth" and inserting in place thereof the word (three-fourth) so that said paragraph as amended shall read as follows: I. Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum equal to eight percent of the total contributions to all pari-mutuel pools conducted or made at any running horse race or running horse meet licensed hereunder. Of the amount so paid to the state treasurer a sum equal to seven and three-fourth percent of said total contributions shall be distributed in accordance with the provisions of section 2 of this chapter and a sum equal to one-fourth of one percent of said total contributions shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture.

5:16 Return of Revenue to Municipalities. In consideration of the removal of certain classes of property from taxation, which would otherwise have the effect of reducing the tax base of the cities and towns of the state, it is hereby declared to be the policy of the state to return a certain portion of the general revenues of the state to the cities and towns for their unrestricted use and in pursuance of said policy the Revised Statutes Annotated are amended as follows: Amend RSA by inserting after chapter 31 the following new chapter:

Chapter 31-A

Return of Revenue to Cities and Towns

31-A:1 Return of Revenue. Commencing in 1970 and in each year thereafter, a portion of the general revenue of the state shall be returned to each city and town of the state.

31-A:2 *Calculation and Certification of Basis for Return of Revenue. Prior to October 1, 1970 the tax commission shall calculate and certify to the state treasurer the amounts collected by each city and town under 1969 assessments of the following taxes: the tax on machinery under RSA 72:7; the tax on stock in trade under RSA 72:15, I; the tax on neat stock under RSA 72:15, V; the tax on poultry under RSA 72:15, VII; the tax on motor vehicle fuel pumps and tanks under RSA 72:15, VIII; the tax on certain machinery under RSA 72:15, IX; the tax on domestic rabbits under RSA 72:15, X; the tax on fur bearing animals under RSA 72:16; the tax on portable mills under RSA 72:17, the tax on studhorses and jackasses under RSA 73:26.

*This section amended by 1970, 57:13.

31-A:3 Determination of Amounts Returnable in 1970. The state treasurer shall determine the amount of revenue returnable to each city or town in 1970 by increasing the amounts certified to him under RSA 31-A:2 by ten percent.

31-A:4 Determination of Amounts Returnable in Subsequent Years. The state treasurer shall determine the amount of revenue returnable to each city or town in each year subsequent to 1970 by increasing the amount returned to each city or town in the preceding year by ten percent.

31-A:5 Time of Payment. Payment of revenues returnable to the cities and towns shall be made as follows:

I. In 1970, the state treasurer shall pay over to each city or town the amount due to it on December 15, 1970.

II. In each year subsequent to 1970, the state treasurer shall pay over to each city or town the amount due to it in four equal installments, on March first, June first, September first and December first. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

31-A:6 Alternate Procedure for Determination of Amounts Returnable in 1970. Any town or city which claims that its equalized valuation of the property relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns' enacted by the 1970 special session of the general court, for the years 1966, 1967, 1968, and 1969 increased by an average of more than ten percent, may apply to the tax commission for a certificate to that effect. After such investigation and hearing as the tax commission may require, which shall be conducted at the expense of the applicant, the commission shall, if it finds the application to have merit, certify to the state treasurer the average percentage rate of increase of equalized valuation of said property in said years. The state treasurer shall determine the amount of revenue returnable to the applicant in 1970 by increasing the amount certified to him under RSA 31-A:2 by the percentage certified to him by the tax commission under this section.

5:17 Examination of Tax. All taxes payable pursuant to the provisions of RSA 86 and 1969, 286 because of the death of any person who died after two o'clock in the afternoon of June 26, 1969 until the effective date of section 5, shall be reviewed by the director of the inheritance tax division, of the state tax commission. If one or more of any such decedent's beneficiaries was his lineal ascendant or lineal descendant, as defined in RSA 86:6, the director shall recompute the tax as provided in section 18.

5:18 Recomputation of Tax. The tax payable shall be recomputed pursuant to the provisions of 1969, 286:1, except that in addition to the exemptions provided therein the director shall also exempt any property passing to the decedent's lineal ascendants and the decedent's lineal descendants as defined in RSA 86:6.

5:19 Amount of Tax Liability. Any person liable to pay a legacy and succession tax because of a death which occurred during the period of time delineated in section 17 and which tax has been recomputed pursuant to section 18 shall be liable only for the amount so recomputed.

5:20 Refund of Excess Tax Already Paid. Any person who has paid the tax imposed by 1969, 286:1 and said payment exceeds the amount of tax as recomputed pursuant to section 18 shall, provided he waives all rights of recovery, if any, under this act, be paid a refund from the state, of the amount by which the tax which he has paid exceeds the amount so recomputed.

5:21 Effective Date. This act shall take effect as follows:

I. On passage, sections 1, 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20;

II. On March 31, 1970, sections 3, 8 and 9;

III. At the exact time of passage, sections 4 and 5.

IV. July 1, 1970, section 10.

[Effective date. I. Sections 1, 2, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 April 22, 1970. II. Sections 3, 8 and 9 effective March 31, 1970. III. Sections 4 and 5 are effective at 10:16 A.M., April 22, 1970. IV. Section 10 effective July 1, 1970.]

CHAPTER 6.

AN ACT CREATING THE OFFICE OF DIRECTOR OF THE BUDGET AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

6:1 Director of the Budget. Amend RSA 4 by inserting after section 12-a, (supp) as inserted by 1967, 113:1 the following new sections:

4:12-b Appointment. The governor shall appoint a director of the budget who shall hold office at the pleasure of the governor and until his successor is appointed and qualified. The governor shall fix the compensation of such director within the limits of the appropriation made therefor.

4:12-c Duties. Said director shall perform the following duties:

I. He shall provide post-election assistance to an incoming governor.

II. He shall examine the tentative budgets prepared by the comptroller under the provisions of RSA 9 and advise the governor in regard to the same, and shall assist the governor during hearings on the tentative budget as provided by RSA 9:7.

III. He shall formulate the governor's budget which is to be submitted to the legislature pursuant to RSA 9:8.

IV. He shall examine reports made by the comptroller as to operation and administration of the budget and expenditures thereunder.

V. He shall schedule and assist the governor and council in hearings on departmental and agency requests involving financial matters.

VI. He shall exercise continuing examinations and study of budget procedures.

VII. He shall, in conjunction with the comptroller, assist departments on procedures and other problems of management.

VIII. He shall carry on a research program in the field of governmental and financial administration.

6:2 Budget. Amend RSA 9:6 by striking out in line eight the words "to the governor" and inserting in place thereof the words (to the director of the budget for him to submit to the governor) so that said section as amended shall read as follows: **9:6 Tentative Budget.** Upon the receipt of the estimates of expenditure requirements called for by section 4 and the preparation of the estimates of income called for by section 5, and not later than November first next succeeding, the comptroller shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of section 3 of this chapter and containing the estimates of expenditure and revenue as called for by sections 4 and 5, which tentative budget shall be transmitted to the director of the budget for him to submit to the governor.

6:3 Governor's Budget. Amend RSA 8:8, IV, by striking out said paragraph and inserting in place thereof the following: IV. Formulate the budget plan and assist the director of the budget in the preparation of a tentative budget and the budget document, as provided in RSA, chapter 9.

6:4 Director of Budget and Control. Amend RSA 8:8 by inserting after paragraph VII the following new paragraph: VIII. Cooperate with the director of the budget in the office of the governor with reference to fiscal matters and make such reports to the said director of the budget as he may need to assist the governor in the administration of the budget.

6:5 Appropriation. There is hereby appropriated the sum of twenty-nine thousand dollars for fiscal year 1971 for personal services, equipment and any other expenses in the office of director of the budget. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6:6 Effective Date. This act shall take effect July 1, 1970.

[Approved April 21, 1970.]

[Effective date July 1, 1970.]

CHAPTER 7.

AN ACT RELATIVE TO THE EXPANSION OF THE WATER SYSTEM AT THE
UNIVERSITY OF NEW HAMPSHIRE AND MAKING AN APPROPRIATION THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

7:1 Appropriation. The sum of seven hundred and fifty thousand dollars is hereby appropriated for the purpose of constructing and expanding the water treatment plant and supply system of the university of New Hampshire.

7:2 Purposes. The appropriation in section 1 is available for all university costs incident to the installation of connecting water lines to the Lamprey River water supply source, the installation of the necessary pumps, filters, pretreatment tanks, sludge and wash water disposal facilities and construction of such facilities as are necessary to bring the capacity of the total system to an adequate safe level of one and seven tenths million gallons per day. These moneys appropriated will be spent under the direction of the board of trustees of the university of New Hampshire.

7:3 Competitive Bids. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received, and only after an advertisement calling for such bid has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought within the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date on which the bids are to be received.

7:4 Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or in the event such next lowest bid should be rejected, then the contract may be awarded to the third lowest bidder.

7:5 Rejection of All Bids. The board of trustees of the university shall have the right to reject any and all bids and, in the event the lowest bid is in excess of the appropriation, shall have the right to negotiate with the low bidder, or with the three lowest bidders, for a contract for such construction upon terms deemed most advantageous to the university. If only one bid is received, the university may negotiate a contract for such construction upon terms deemed most advantageous to the university. Any authorization contained herein which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of such federal law and regulations.

7:6 Bonds and Notes Authorized. In order to provide funds for the appropriation made in section 1 of this act, the trustees of the university are hereby authorized to request the governor and council to authorize and direct the state treasurer to borrow upon the credit of the state not exceeding the sum of seven hundred and fifty thousand dollars and for said purpose the state treasurer may issue bonds and notes in the name of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7:7 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued under the authority of this act for the purpose herein stated.

7:8 Effective Date. This act shall take effect upon its passage.

[Approved April 21, 1970.]

[Effective date April 21, 1970.]

CHAPTER 8.

AN ACT AUTHORIZING THE STATE TREASURER TO USE A FACSIMILE OF HIS
SIGNATURE WHEN EXECUTING A STATE GUARANTEE OF BONDS OR NOTES
ISSUED BY A POLITICAL SUBDIVISION OF THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

8:1 Use of Facsimile Signature. Amend RSA 6 by inserting after section 18 the following new section: **6:18-a Use of Facsimile Signature.** When endorsing the state's guarantee on any bond or note issued by any political subdivision of the state, the state treasurer may cause such guarantee to be executed with an engraved or printed facsimile of his signature in lieu of his manual signature. Such facsimile shall have the same effect as the manual signature of the state treasurer.

8:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 21, 1970.]

[Effective date June 20, 1970.]

CHAPTER 9.

AN ACT TRANSFERRING OPERATION AND MANAGEMENT OF STATE BUILDING
AT EASTERN STATES EXPOSITION FROM DRED TO DEPARTMENT OF AGRICULTURE
AND MAKING AN APPROPRIATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

9:1 Department of Agriculture. Amend RSA 426 by inserting at the end thereof the following new sections:

426:19 State Buildings at Eastern States Exposition. The commissioner of agriculture shall operate the state building at the Eastern States Exposition and his legitimate expenses incurred in the performance of this duty shall be a charge upon the appropriation made therefor.

426:20 Income and Operating Charges. The commissioner may rent the building or parts thereof for exhibition purposes, at reasonable rates, giving first preference to exhibitors of this state. From the income received he shall pay the expenses and operating charges of said building, including a reasonable sum for insurance against loss or other casualty, and turn the balance over to the state treasurer to be held under a separate fund for the purposes of said building.

426:21 Repairs. In case of partial or total destruction of the building by fire or otherwise the commissioner may make needed repairs or replacement, with the approval of the governor and council, and may use the proceeds of any insurance.

9:2 Repeal. RSA 12:6, 7 and 8, relative to state building at Eastern States Exposition, are hereby repealed.

9:3 Appropriation. There is hereby appropriated the sum of six thousand dollars to be expended by the commissioner of agriculture for insurance premium for the state building at Eastern States Exposition and may not be transferred or used for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9:4 Transfer. Any records or accounts relative to state building at Eastern States Exposition now in the control of the department of resources and economic development are hereby transferred to the department of agriculture.

9:5 Effective Date. This act shall take effect upon its passage.

[Approved April 21, 1970.]

[Effective date April 21, 1970.]

CHAPTER 10.

AN ACT RELATIVE TO THE INDUSTRIAL DEVELOPMENT AUTHORITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

10:1 Industrial Development Authority. Amend RSA 162-A:6-b (supp) as inserted by 1965, 228:3 by inserting in line four after the word "areas" the following (public airports, and industrial areas) so that said section as amended shall read as follows: **162-A:6-b Loans for Construction of Public Roads to Private Recreational Areas, Public Airports, and Industrial Areas.** The authority may loan or expend funds, upon such terms and conditions as prescribed by the authority, for the construction of public roads to private recreational areas, public airports, and industrial areas provided such roads

have been authorized by the general court and further provided that the governor and council have approved the expenditure of funds for preliminary engineering as provided in RSA 236-C:4. Any loan or expenditure of funds under this section shall be deemed to be a project subject to approval of governor and council as provided in RSA 162-A:8.

10:2 Limitation Increased. Amend RSA 162-A:12 (supp) as inserted by 1955, 254:12, and amended by 1957, 237:1, 1959, 142:1; 1961, 263:12; 1963, 155:5; 1967, 308:6; and 1969, 430:1 by striking out in line three the word "five" and inserting in place thereof the word (seven), by striking out in line five the word "and" and by inserting in line six after the word "facilities" the words (and not more than two million dollars shall be in connection with projects for access roads to public airports and industrial areas) so that said section as amended shall read as follows: **162-A:12 Debt Limitation.** The authority may issue bonds and notes as follows: (1) The authority may issue bonds or notes in an amount not to exceed seven million dollars at any one time, of which amount not more than four million dollars shall be in connection with industrial projects, not more than one million dollars shall be in connection with projects for recreational facilities, and not more than two million dollars shall be in connection with projects for access roads to public airports and industrial areas. (2) In addition to bonds and notes permitted under paragraph (1) above, the authority may issue bonds and notes in an amount not exceeding five million dollars at any one time on industrial facilities to be used for the following purposes: (a) For loans which shall not exceed thirty percent of the appraised value of the industrial facility for which the loan is made. Payment of bonds or notes so issued may be subordinated to loans made by lending institutions operating under state or national charters. Such loans by the authority shall provide for amortization and interest rates at least equal to the terms contained in the loans made by the private lending institution and shall be secured by a second mortgage on the industrial facility. (b) For loans which may be made in participation with lending institutions operating under state or national charters, but such participation shall not exceed fifty percent of the total granted by such institution and any such loan shall be secured by a first mortgage on said industrial facilities. Loans made under paragraph (2) hereof shall be limited to borrowers whose industrial facilities are located in New Hampshire and which have been displaced, acquired or condemned under federal, state, county or municipal redevelopment, rehabilitation and highway projects. Any revenue bonds issued by the authority which, by the terms of repayment, are not an obligation of the authority or the state but are entirely supported and guaranteed by the revenue contract of a leasing corporation, shall not be included in determining the maximum amount of notes and bonds authorized herein.

10:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 23, 1970.]

[Effective date June 22, 1970.]

CHAPTER 11.

AN ACT RELATIVE TO THE CENTRAL NEW HAMPSHIRE TURNPIKE, AND MAKING
AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

11:1 Turnpike Improvements. Amend RSA by inserting after chapter 257-A the following new chapter:

Chapter 257-B**Central New Hampshire Turnpike Improvements**

257-B:1 Authority Granted. The commissioner of public works and highways, with the approval of the governor and council, is hereby authorized to make improvements to the Central New Hampshire Turnpike, which shall include, but not be limited to, the addition of a traffic lane, or lanes, in each direction from a point near the proposed junction of interstate route 93 near the Manchester-Hooksett town line to a point northerly of the junction of interstate route 89 in the city of Concord, and the reconstruction of the toll facilities in the town of Hooksett.

257-B:2 Funds Provided. A sum not exceeding three million five hundred thousand dollars is hereby appropriated for the acquisition of necessary land and property, and for preliminary engineering for the improvements to the said turnpike. The appropriation shall be a continuing appropriation and shall not lapse.

257-B:3 Bonds. The state treasurer is hereby authorized with the approval of the governor and council to borrow upon the credit of the state a sum not exceeding three million five hundred thousand dollars for the purpose of carrying into effect the provisions of this chapter and for that purpose may issue bonds in the name and on behalf of the state of New Hampshire in a manner pursuant to the provisions of RSA 6-A. Provided, however, that the maturity dates of such bonds shall be determined by the governor and council but in no case shall they be later than thirty years from the date of issue and may be redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issuance of the bonds. Said bonds shall contain an express guarantee which shall be deemed a contract on the part of the state that tolls shall be collected in accordance with the provisions of RSA 257 until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bonds and the interest thereon at or prior to the dates of maturity. The proceeds from the sale of such bonds shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone, and the governor, with the advice and consent of the council, shall draw his warrant for the payment from the funds provided by this act of all sums expended or due for the purposes herein authorized. All interest from such bonds shall be exempt from taxation within the state of New Hampshire.

11:2 Effective date. This act shall take effect upon passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 12.

AN ACT RELATIVE TO THE FIREMEN'S RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

12:1 Firemen's Retirement System. Amend RSA 102:21 by striking out the same and inserting in place thereof the following: **102:21 Resignation, Dismissal, Reinstatement and Withdrawal.** Any permanent fireman accepting the provisions hereof, who shall retire, withdraw or be dismissed from service, and the named beneficiary of any such permanent fireman who may die while in active service from causes not due to fire duty as described in section 17 and provided no benefit is payable under section 16, shall be entitled to receive from the board all payments made thereto by him with interest at such rate as the board may prescribe. The named beneficiary of any retired permanent fireman who may die while in retirement, and whose retirement benefits to the time of death should be less than his total payments, plus interest, to the board, shall be entitled to receive from the board an amount which shall be the difference, if such exists, between such fireman's total payments, plus interest, to the board and his total benefits received while on retirement to the time of his death. Upon retirement or dismissal from service a permanent fireman shall no longer be obligated to pay assessments to the fund. Any permanent fireman resigned or dismissed from service as aforesaid, may, if he thereafter re-enters service as a permanent fireman, be reinstated to the benefits hereof. Upon reinstatement to the benefits hereof his rate of assessment shall be established by the board as provided under section 9 and his term of creditable service shall begin as of the nearest date of his reinstatement to the benefits hereof, excepting that a reinstated member may receive credit for prior service if he leaves his assessments in the fund and provided he is reinstated within thirty-six months after his resignation or dismissal. Prior service credit shall be only for his period of actual active service. His rate of assessment upon reinstatement shall be as provided under section 9. Notice of dismissal or death, not due to fire duty as described in section 17, of a permanent fireman who has accepted the provisions of this chapter, shall be sent to the board by the chief clerk or other responsible officer of city, town or precinct by whom said fireman was employed.

12:2 Special Retirement Allowance. Amend RSA 102 by inserting after section 16 the following new section: **102:16-a Allowance to Certain Beneficiaries.** Notwithstanding anything to the contrary in section 16 or elsewhere in this chapter, if a member dies in service while eligible for service retirement under the provisions of section 13 of this chapter, in lieu of the return of his accumulated contributions there shall be payable to his designated beneficiary a retirement allowance equal to the allowance which would have been payable to such beneficiary had the member retired just prior to death and elected option 1 as set forth in section 16 in favor of such beneficiary. No benefit shall be payable under this paragraph if a benefit is payable under section 17.

12:3 Payment for Benefits. In order to provide the additional funds necessary to meet the additional benefits for firemen provided by this act,

the board of trustees of the New Hampshire retirement system is hereby directed to increase the contribution made by each member of the New Hampshire permanent firemen's retirement system by an amount equal to one half of one percent of the payroll for said member. The state or other employer shall not be required to make any contributions for said additional benefits.

12:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 28, 1970.]

[Effective date June 27, 1970.]

CHAPTER 13.

AN ACT INCREASING THE AMOUNT AUTHORIZED FOR STATE GUARANTEE OF MUNICIPAL BONDS FOR WATER POLLUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

13:1 Municipal Pollution Bonds. Amend RSA 149:5 (supp) as amended by 1957, 213:2; 1961, 182:1; 1963, 167:1; 1966, 3:1; 1967, 148:1; and 1969, 454:1 by striking out in lines five and fourteen the word "seventy-five" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: **149:5 State Guarantee.** In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of one hundred million dollars, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of one hundred million dollars. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids, (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in RSA 530.

13:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 28, 1970.]

[Effective date June 27, 1970.]

CHAPTER 14.

AN ACT RELATIVE TO THE SALARIES OF THE JUSTICES AND CLERKS OF MANCHESTER DISTRICT COURT AND RELATIVE TO DISTRIBUTION OF REPORTS OF THE SUPREME COURT AND REVISED STATUTES ANNOTATED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

14:1 Maximum Salary. Amend RSA 502-A:6, I (supp) as inserted by 1963, 331:1 and amended by 1967, 438:1 and 1969, 124:5 by striking out in line fourteen the words "nineteen thousand" and inserting in place thereof the words (twenty-one thousand) so that said paragraph as amended shall read as follows: **I. Salaries of Justices.** The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner: for the first fifteen hundred cases, three hundred and fifty dollars for each one hundred cases or fraction thereof; for the next one thousand cases, three hundred dollars for each one hundred cases or fraction thereof; and for all cases over twenty-five hundred, one hundred and fifty dollars for each one hundred cases or fraction thereof provided that the sum of five hundred dollars shall be added to the salary of each justice of a district court which has exclusive civil jurisdiction in cases where the damages do not exceed five hundred dollars. No justice shall be paid a salary less than a sum equal to one hundred and eighty dollars for each thousand persons residing in the district, as reported in the last federal census, and no justice shall receive a salary greater than twenty-one thousand dollars a year. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

14:2 Salary, Associate Justice. Amend RSA 502-A:6, I-a (supp) as inserted by 1969, 124:3 by striking out said paragraph and inserting in place thereof the following: **I-a Salary of Associate Justice, Manchester District Court.** The annual salary of the associate justice of the Manchester district court shall be an amount one thousand dollars less than the amount paid the justice as provided in paragraph I.

14:3 Distribution of Court Reports. Amend RSA 505:11 by inserting in line three after the word "shall" the words (unless otherwise directed by the chief justice of the supreme court) so that said section as amended shall read as follows: **505:11 Distribution of Court Reports.** He shall deliver to the secretary of state four hundred copies of each volume of said reports upon publication, and the secretary shall unless otherwise directed by the chief justice of the supreme court send one copy thereof to each of the following officers and bodies: Justices and clerks of the supreme and superior courts, to the office of register of probate in each county, state reporter, each free public library established under the laws of the state meeting the regulations of the state library commission, the department of justice, clerk of

the supreme court of the U.S., library of congress at Washington, the judge and clerk of the district court of the U.S. for the district of New Hampshire, and the state library of each state of the United States with which the New Hampshire state library maintains an exchange agreement covering court reports. The residue may be drawn upon by the state library for its own use or for additional exchange agreements. The state library may recover all sets and/or partial sets of court reports located within those towns which do not meet the regulations of the state library commission. It may establish full sets in public libraries open daily agreeing to make them available to all the people in the geographic area. The reclaimed sets shall be placed in the stock held by the secretary of state.

14:4 Distribution of Revised Statutes Annotated. Amend RSA 20:16 (supp) as inserted by 1955, 231:3 by inserting in line three after the word "manner" the words (Unless otherwise directed by the chief justice of the supreme court) so that said section as amended shall read as follows: **20:16 Distribution of Revised Statutes Annotated.** The secretary of state is hereby authorized to distribute official bound copies of the Revised Statutes Annotated free of charge in the following manner. Unless otherwise directed by the chief justice of the supreme court, one copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire Revision Commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, the district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the state reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of the Revised Statutes Annotated, the secretary of state, the state treasurer, the comptroller and seven copies to the office of the attorney general.

14:5 Effective Date. This act shall take effect June 1, 1970.

[Approved April 28, 1970.]

[Effective date June 1, 1970.]

CHAPTER 15.

AN ACT RELATIVE TO OUT-OF-STATE TUITION CHARGES AT THE UNIVERSITY OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

15:1 University of New Hampshire; Out-of-State Tuition. Amend the "note" relative to out-of-state tuition for the university and state colleges in 1969, 368:4 by striking out the same and inserting in place thereof the following:

Note: Out-of-state tuition, for the university of New Hampshire only, shall be set annually by the board of trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

15:2 Effective Date. This act shall take effect upon its passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 16.

AN ACT TO ENLARGE THE AUTHORITY OF THE NEW HAMPSHIRE HIGHER EDUCATIONAL BUILDING CORPORATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

16:1 Health Facilities. Amend RSA 195-D:1 (supp) as inserted by 1969, 318:1 by inserting in line nine after the word "capacities" the words (that it is essential that hospitals within the state be provided with appropriate additional means to expand, enlarge and establish health care, hospital and other related facilities;) and by striking out in line ten the words "Building Corporation" and inserting in place thereof the words (and Health Facilities Authority) so that said section as amended shall read as follows: **195-D:1 Declaration of Policy.** It is declared to be the policy of the state that for the benefit of the people of the state, the increase of their commerce, welfare, and prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youths be given the fullest opportunity to learn and develop their intellectual and mental capacities; that it is essential that educational institutions within the state be provided with appropriate additional means to assist such youths in achieving the required levels of learning and development of their intellectual and mental capacities; that it is essential that hospitals within the state be provided with appropriate additional means to expand, enlarge and establish health care, hospital and other related facilities; that it is essential that powers be conferred on the New Hampshire Higher Educational and Health Facilities Authority as will assure the successful completion of projects to be initiated by the corporation so as to accomplish the purposes of this chapter all to the public benefit and good. It is further declared that the exercise by the corporation of the powers conferred on the corporation under this chapter will constitute the performance of an essential governmental function.

16:2 Name of Corporation. Amend RSA 195-D:2 (supp) as inserted by 1969, 318:1 by striking out in line two the wordss "Building Corporation" and inserting in place thereof the words (and Health Facilities Authority) so that said section as amended shall read as follows: **195-D:2 Citation.** This chapter may be referred to as and cited as the New Hampshire Higher Educational and Health Facilities Authority law.

16:3 Definitions. Amend RSA 195-D:3, I (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

I. "Corporation" means the New Hampshire Higher Educational and Health Facilities Authority created and established as a corporation and constituted and established as a public body corporate and agency of the state under RSA 195-D:4, or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the corporation by this chapter shall be given by law.

16:4 Projects. Amend RSA 195-D:3, II (supp) as inserted by 1969, 318:1 by inserting in line one after the word "Project" the words (in the case of a participating institution for higher education,) and by inserting in line six after the word "above" the words (and, in the case of a participating hospital, means the building and equipping of any structure designed for use as a hospital, clinic, or other health care facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in such hospital, doctors office building, administration building, research facility, maintenance, storage or utility facility and other structures or facilities related to any of the foregoing or required or useful for the operation of a hospital, including parking and other facilities or structures essential or convenient for the orderly conduct of such hospital, and shall include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended) so that said paragraph as amended shall read as follows: II. "Project" in the case of a participating institution for higher education, means the building and equipping of any structure designed for use as a dormitory, dining facility, administration facility, library, classroom building, research facility or faculty office facility, or the building and equipping of any multipurpose structure designed to combine two or more of the functions performed by the types of structures enumerated above and, in the case of a participating hospital, means the building and equipping of any structure designed for use as a hospital, clinic, or other health care facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in such hospital, doctors office building, administration building, research facility, maintenance, storage or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of a hospital, including parking and other facilities or structures essential or convenient for the orderly conduct of such hospital, and shall include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. This definition does not include such items as books, fuel, supplies, or other items which are customarily considered as a current operating charge.

16:5 Bonds. Amend RSA 195-D:3, IV (supp) as inserted by 1969, 318:1 by inserting in lines five and seven after the words "higher education" the words (or of a participating hospital) so that said paragraph as amended

shall read as follows: IV. "Bonds" or the words "revenue bonds" means revenue bonds of the corporation issued under the provisions of this chapter, including revenue refunding bonds, notwithstanding that the same may be secured by the mortgage or the full faith and credit of a participating institution for post-secondary education or higher education or of a participating hospital or any other lawfully pledged security of a participating institution for post-secondary or higher education or of a participating hospital.

16:6 Hospitals. Amend RSA 195-D:3 (supp) as inserted by 1969, 318:1 by inserting after paragraph VI the following new paragraphs:

VII. "Hospital" means a non-profit hospital within the state which is licensed by the department of health and welfare.

VIII. "Participating hospital" means a hospital which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided by this chapter.

16:7 Corporate Body. Amend RSA 195-D:4 (supp) as inserted by 1969, 318:1 by striking out in the title the words "Building Corporation" and inserting in place thereof the words (and Health Facilities Authority) so that said title as amended shall read as follows: **New Hampshire Higher Educational and Health Facilities Authority Constituted Public Body Corporate and Agency of the State.**

16:8 Name. Amend 195-D:4, I (supp) as inserted by 1969, 318:1 by striking out in line one the words "Building Corporation" and inserting in place thereof the words (and Health Facilities Authority) so that said paragraph as amended shall read as follows: I. The New Hampshire Higher Educational and Health Facilities Authority is created as a corporation and is constituted and established as a public body corporate and agency of the state for the exercising of the powers conferred on the corporation by this chapter.

16:9 Members. Amend 195-D:4, II (supp) as inserted by 1969, 318:1 by striking out said paragraph and inserting in place thereof the following: II. All of the powers of the corporation are vested in a board of directors of seven members who shall be appointed by the governor and council. The terms of two of the members shall expire on June 30, 1970; the terms of two members shall expire on June 30, 1971; and the terms of three members shall expire respectively on June 30, 1972, June 30, 1973 and June 30, 1974. Successors to those members of the board of directors whose terms expire each year shall be appointed by the governor and council prior to June 1 in each year, for terms of five years each. If a vacancy occurs in the membership of the board of directors, the governor and council shall appoint a successor for the unexpired term. Any member of the board of directors shall be eligible for re-appointment.

16:10 Quorum. Amend RSA 195-D:4, IV (supp) as inserted by 1969, 318:1 by striking out in lines three and four the word "three" and inserting in place thereof the word (four) so that said paragraph as amended shall read as follows: IV. The board of directors shall elect one of its members

as chairman, another as vice chairman, and shall also elect a secretary, who need not be a member of the board. Four members of the board of directors constitute a quorum, and the vote of four members of the board of directors is necessary for any action taken by the corporation. A vacancy in the membership of the board of directors of the corporation does not impair the right of a quorum to exercise all the powers and perform the duties of the corporation.

16:11 Location of Projects. Amend RSA 195-D:5, V (supp) as inserted by 1969, 318:1 by inserting in line six and eight after the word "education" the words (or participating hospital) so that said paragraph as amended shall read as follows: V. to determine the location and character of a project to be financed under the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all of such purposes; to enter into contracts for the management and operation of a project; and to designate a participating institution for higher education or participating hospital as its agent to determine the location and character of a project undertaken by such participating institution for higher education or participating hospital under the provisions of this chapter as its agent to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; and as its agent to enter into contracts for any or all of such purposes, including contracts for the management and operation of such projects;

16:12 Charges. Amend RSA 195-D:5, VII (supp) as inserted by 1969, 318:1 by inserting in line three after the word "thereof" the words (and to contract with any person, partnership, association or corporation or other body, public or private, in respect thereof and to designate a participating institution for higher education or a participating hospital as its agent to fix, revise, charge and collect such rates, rents, fees and charges and to make such contracts;) so that said paragraph as amended shall read as follows: VII. generally, to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof; and to contract with any person, partnership, association or corporation or other body, public or private, in respect thereof and to designate a participating institution for higher education or a participating hospital as its agent to fix, revise, charge and collect such rates, rents, fees and charges and to make such contracts;

16:13 Rules and Regulations. Amend RSA 195-D:5, VIII (supp) as inserted by 1969, 318:1 by inserting in lines three and four after the word "education" the words (or participating hospital) so that said paragraph as amended shall read as follows: VIII. to establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution for higher education or participating hospital as its agent to establish rules and regulations for the use of a project undertaken by such participating institution for higher education or participating hospital;

16:14 Loans. Amend RSA 195-D:5, XII (supp) as inserted by 1969, 318:1 by inserting in lines one, three and six after the word "education" the words (or participating hospital) so that said paragraph as amended

shall read as follows: XII. to make loans to any participating institution for higher education or participating hospital for the construction of a project in accordance with an agreement between the corporation and the participating institution for higher education or participating hospital. However, no such a loan shall exceed the total cost of construction and equipment of the project as determined by the participating institution for higher education or participating hospital and approved by the corporation;

16:15 Refunding Bonds. Amend RSA 195-D:5 XIII (supp) as inserted by 1969, 318:1 by inserting in line one, three and five after the word "education" the words (or participating hospital) so that said paragraph as amended shall read as follows: XIII. to make loans to a participating institution for higher education or participating hospital to refund outstanding bonds, mortgages, or advances issued, made or given by such participating institution for higher education or participating hospital for the construction of a project to the extent that such loan will enable such participating institution for higher education or participating hospital to undertake additional projects;

16:16 Administrative Costs. Amend RSA 195-D:5, XIV (supp) as inserted by 1969, 318:1 by inserting in line two after the word "education" the words (and participating hospitals) so that said paragraph as amended shall read as follows: XIV. to charge to and equitably apportion between participating institutions for higher education and participating hospitals its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

16:17 Acquisition of Property. Amend RSA 195-D:6 (supp) as inserted by 1969, 318:1 by inserting in line two after the word "empowered" the words (directly or by and through a participating institution for higher education or a participating hospital, as its agent) so that said section as amended shall read as follows: **195-D:6 Acquisition of Property.** The corporation is authorized and empowered, directly or by and through a participating institution for higher education or a participating hospital, as its agent to acquire by purchase, gift or devise, solely from funds provided under the authority of this chapter, such lands, structures, property, real or personal, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within or without the state as it judges necessary or convenient for the construction or operation of a project, upon such terms and at such prices as considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the corporation.

16:18 Transfer of Title. Amend RSA 195-D:7 (supp) as inserted by 1969, 318:1 by inserting in lines three, twelve and fifteen after the word "education" the words (or participating hospital) so that said section as amended shall read as follows: **195-D:7 Title to Projects.** I. When the principal of and interest on revenue bonds of the corporation issued to finance the construction and acquisition of a particular project or projects at a participating institution for higher education or participating hospital, including any revenue refunding bonds issued to refund and refinance such

revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same has been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the corporation shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution for higher education or participating hospital, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, then vested in such participating institution for higher education or participating hospital.

16:19 Revenue Provisions. Amend RSA 195-D:12 (supp) as inserted by 1969, 318:1 by inserting in lines forty-four and forty-seven after the word "education" the words (or participating hospital) so that said section as amended shall read as follows: **195-D:12 Revenues.** The corporation is authorized to fix, revise, charge, and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, (a) to pay the cost of maintaining, repairing, and operating the project and each and every portion thereof, to the extent that the corporation has not otherwise adequately provided for the payment thereof, (b) to pay the principal of and the interest on outstanding revenue bonds of the corporation issued in respect of such project as the same become due and payable, and (c) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the corporation. Such rates, rents, fees, and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of the state other than the corporation. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair, and operation and to provide reserves and for renewals, replacements, extensions, enlargements, and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the corporation or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges, and other revenues or other moneys so pledged and thereafter received by the corporation are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agree-

ment by which a pledge is created need be filed or recorded except in the records of the corporation. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as otherwise provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance projects at a particular institution for higher education or participating hospital without distinction or priority of one over another. However, the corporation in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at an institution for higher education or participating hospital and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the corporation and, in such case, the corporation may create separate sinking or other similar funds in respect of such subordinate lien bonds.

16:20 Obligations of United States Agencies. Amend RSA 195-D:16, III (supp) as inserted by 1960, 318:1 by inserting in line three after the word "America" the words (or in obligations of agencies of the United States of America) so that said paragraph as amended shall read as follows: III. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in obligations of agencies of the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times that are appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the corporation for use by it in any lawful manner.

16:21 Investments During Construction. Amend RSA 195-D:16, IV (supp) as inserted by 1969, 318:1 by inserting in line five after the word "America" the words (or in obligations of agencies of the United States of America) so that said paragraph as amended shall read as follows: IV. The portion of the proceeds of any such revenue bonds issued for the additional purpose of paying all or any part of the cost of construction and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in obligations of or guaranteed by the United States of America, or in obligations of agencies of the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the corporation in any lawful manner.

16:22 Hearing Before Issuance of Bonds. Amend RSA 195-D:21, I (a) (supp) as inserted by 1969, 318:1 by inserting in line three after the word "state" the words (or a hospital to fulfill its obligation to provide health care facilities for the citizens of this state) so that said paragraph as amended shall read as follows: (a) The construction and acquisition of such project will enable or assist an institution for post-secondary or higher education to fulfill its obligations in providing education to the youths of this state or a hospital to fulfill its obligation to provide health care facilities for the citizens of this state; and

16:23 Use of Facilities. Amend RSA 195-D:21, I (b) (supp) as inserted by 1969, 318:1 by inserting in line two after the word "education" the words (or a financially responsible hospital) so that said paragraph as amended shall read as follows: (b) Such project will be leased to, or owned by, a financially responsible institution for post-secondary or higher education or a financially responsible hospital within the state; and

16:24 Additional Provisions. Amend RSA 195-D:23 (supp) as inserted by 1969, 318:1 by striking out in line four the words "Building Corporation" and inserting in place thereof the words (and Health Facilities Authority) so that said section as amended shall read as follows: **195-D:23 Act Cumulative; No Notice Required.** Neither this chapter nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the New Hampshire Higher Educational and Health Facilities Authority might otherwise have under any laws of this state, and this chapter is cumulative of any such powers. This chapter does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. However, the issuance of revenue bonds and revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other state law applicable to the issuance of bonds, and contracts for the construction and acquisition of any project undertaken pursuant to this chapter need not comply with the provisions of any other state law applicable to contracts for the construction and acquisition of state owned property. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this chapter.

16:25 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 28, 1970.]

[Effective date June 27, 1970.]

CHAPTER 17.

AN ACT RELATIVE TO THE PIERCE BRIGADE, INC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

17:1 Appropriation. The sum of twenty thousand dollars is hereby appropriated to the Pierce Brigade, Inc., a New Hampshire nonprofit cor-

poration, to be used by said corporation only for the purpose of renovating and restoring the Pierce Manse, homestead of Franklin Pierce, in Concord, and upon the condition that the Pierce Brigade, Inc., for itself and its successors and assigns agree in writing, in a form approved by the attorney general, that should said homestead ever be used for any purpose other than as an historic landmark and museum it shall become the property of the state of New Hampshire. The sum hereby appropriated shall be a charge against the additional markup provided for the Laws of 1969, 186 which is thereby credited to and made a part of the legislative appropriation.

17:2 Historical Commission. The chairman of the state historical commission shall act as an advisor to the Pierce Brigade, Inc. Said chairman shall see to it that the sum hereby appropriated is employed only for the purposes set forth in section 1 and shall take whatever action is necessary for the state to succeed to the property of the Pierce Manse in the event that the property is used for purposes other than those set forth in section 1. The chairman shall annually make a report to the governor and council concerning the provisions of this act.

17:3 Federal Funds. The commissioner of resources and economic development shall apply for federal financial aid available for the purposes set forth in section 1. Any federal funds recovered shall first be applied to reimburse the state up to the amount appropriated in section 1 and shall second be transferred to the Pierce Brigade, Inc.

17:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 29, 1970.]

[Effective date June 28, 1970.]

CHAPTER 18.

AN ACT REPEALING PROVISIONS REQUIRING PUBLIC HEARINGS PRIOR TO VOTE ON BOND ISSUES OF CERTAIN MUNICIPALITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

18:1 Repeal. RSA 33:8-a (supp) as inserted by 1969, 438:1, relative to public hearings on bond issues, is hereby repealed.

18:2 Procedure. Amend RSA 33:8 (supp) as amended by 1969, 438:2 by striking out said section and inserting in place thereof the following: **33:8 Town or District Bonds or Notes.** Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city, shall be authorized by a vote of two-thirds, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose; provided, however, that no such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote thereat, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted,

shall give said special meeting, the same authority as an annual meeting and provided further that the warrant for such special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting thereof. The warrant for any such annual or special meeting shall be served or posted at least fourteen days before the date thereof. Every warrant shall be deemed to have been duly served or posted, if the return thereon shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority thereof, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed thereto. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes, and of providing for the sale thereof, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

18:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 30, 1970.]

[Effective date June 29, 1970.]

CHAPTER 19.

AN ACT PROVIDING FOR CONSUMER PROTECTION AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

19:1 Unfair Trade Practices Prohibited. Amend RSA by inserting after chapter 358 the following new chapter:

Chapter 358-A

Regulation of Business Practices for Consumer Protection

358-A:1 Definitions. As used in this chapter the following terms shall have the following meaning:

I. "Person" shall include, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

II. "Trade" and "commerce" shall include the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this state.

III. "Documentary material" shall include the original or a copy of any book, record, report, memorandum, paper, communication, tabulation,

map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate.

IV. "Examination of documentary material" shall include the inspection, study, or copying of any such material, and the taking of testimony under oath or acknowledgement in respect of any such documentary material or copy thereof.

358-A:2 Acts Unlawful.

I. It shall be unlawful for any person to use any unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce within this state. Such unfair method of competition or unfair or deceptive act or practice shall include, but is not limited to, the following:

- (a) Passes off goods or services as those of another;
- (b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;
- (d) Uses deceptive representations or designations of geographic origin in connection with goods or services;
- (e) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
- (f) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;
- (g) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (h) Disparages the goods, services, or business of another by false or misleading representation of fact;
- (i) Advertises goods or services with intent not to sell them as advertised;
- (j) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity; or
- (k) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions.

358-A:3 Exempt Transactions; etc. The following transactions shall be exempt from the provisions of this chapter:

I. Trade or commerce otherwise permitted under laws as administered by any regulatory board or officer acting under statutory authority of this state or of the United States;

II. Trade or commerce of any person whose gross revenue at least twenty per cent of which is derived from transactions in interstate commerce, excepting however, transactions and actions which (a) occur primarily and substantially within this state, and (b) the Federal Trade Commis-

sion or its designated representative has failed to assert in writing within fourteen days of notice to it and to said person by the attorney general its objection to action proposed by him and set forth in said notice;

III. Trade or commerce of any person who shows that he has had served upon him by the Federal Trade Commission a complaint pursuant to 15 U.S.C. 45(b) relating to said trade or commerce until the Federal Trade Commission has either dismissed said complaint, secured an assurance of voluntary compliance, or issued a cease and desist order relating to said complaint pursuant to 15 U.S.C. 45(b);

IV. Publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast, or reproduce material without knowledge of its deceptive character;

V. The burden of proving exemptions from the provisions of this chapter by reason of paragraphs I, II, III, and IV of this section, shall be upon the person claiming the exemption.

358-A:4 Administration; Enforcement.

I. There is hereby established in the office of attorney general a consumer protection division. Said division shall be directed by an assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 7:16 who shall carry out the provisions of this chapter under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall also appoint an investigator and such other staff as may be necessary to carry out the provisions hereof within the limits of the appropriation therefor.

II. The attorney general may establish such rules and regulations as may be necessary or desirable for the proper administration of this chapter.

III. Whenever the attorney general has reason to believe that trade or commerce declared unlawful by section 2 hereof has been, is being or is about to be conducted by any person, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction the use of such trade or commerce. The action may be brought in the superior court of the county in which said person resides or has his principal place of business, or, with the consent of the parties, or if the person is a nonresident and has no place of business within the state, in the superior court of Merrimack county.

IV. Any county attorney or law enforcement officer receiving notice of any alleged violation of this chapter shall immediately forward written notice of the same with any other information that he may have to the office of the attorney general.

358-A:5 Notice. At least ten days prior to commencement of any action under section 358-A:4, the attorney general shall notify the person of his intended action, and give the person an opportunity to confer with the attorney general, or his agent, in person or by counsel or other representative as to the proposed action. Said notice shall be given by mail, postage prepaid, sent to his usual place of business, or if none, to his last known address.

358-A:6 Penalties.

I. Any person convicted of violating section 2 hereof shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars.

II. Any person who violates the terms of an injunction issued under section 358-A:4, III, shall be fined not more than ten thousand dollars for each violation. For the purposes of this section, the court issuing said injunction shall retain jurisdiction.

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the attorney general for the purposes of effecting prosecution under this act shall be deemed to have committed a misdemeanor and shall be fined not more than fifty dollars.

358-A:7 Assurance of Discontinuance. Nothing herein contained shall be construed as preventing the attorney general, in cases in which he is authorized to bring an action, from accepting in lieu thereof an assurance of discontinuance of any act or practice which violates this chapter. Such assurance may include a stipulation for the voluntary payment by the alleged violator of the costs of investigation by the attorney general, or of an amount to be held in escrow pending the outcome of an action, or of an amount to restore to any person any money or real or personal property which may have been acquired by such alleged violator, or all three. Any such assurance of discontinuance shall be in writing and be filed with the superior court of Merrimack county. Matters thus closed may be re-opened by the attorney general at any time it is in the public interest. Evidence of a violation of such assurance shall constitute prima facie evidence of an act or practice declared to be unlawful by this chapter in any action thereafter commenced by the attorney general.

358-A:8 Subpoena; Production of Books, Examination of Persons, etc.

I. Authority of Attorney General. The attorney general shall have the power to subpoena and subpoena duces tecum in the name of the attorney general for the purposes of this chapter. Witnesses summoned by the attorney general shall be paid the same fee and mileage that are paid witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the attorney general may be served by any person designated in the subpoena or subpoena duces tecum to serve it. The attorney general may administer an oath or affirmation to any person and conduct hearings in aid of any investigation. Any testimony given by any person so sworn shall be subject to the pains and penalties of perjury.

II. Without limiting the authority granted in paragraph I the attorney general, whenever he believes any person to be or to have been in violation of this chapter, may examine or cause to be examined for that purpose any books, records, papers or other documentary materials, or may examine any person under oath and subject to the pains and penalties of perjury that he thinks may have knowledge of said violation. For said examination the attorney general may require said person to appear at his place of residence, place of business or any place in this state.

III. Notice. The attorney general shall serve notice of the time, place, and cause of said examination at least ten days prior to the date thereof.

Service of any such notice may be made by: (1) Delivering a duly executed copy thereof to the person to be served or his agent authorized by law to receive service of process; or (2) Delivering a duly executed copy thereof to said person's principal place of business in this state, if any; or (3) Registered mail, return receipt requested, to the person to be served, or his agent authorized by law to receive service of process.

IV. Limitations. No such notice shall make improper or unreasonable requirements, nor require the production of privileged information.

V. Extension; Modification. At any time prior to the date specified in the notice, or within twenty-one days after the notice has been served, whichever period is shorter, the superior court may, upon motion for good cause shown, extend said reporting date, or modify or set aside the demand. The motion may be filed in the superior court of the county in which said person resides or has his usual place of business, or in Merrimack county.

VI. Use of Information. Any information, testimony, or documentary material obtained under the authority of this section shall be used only in connection with investigations instituted under this chapter or for the prosecution of legal proceedings instituted under this chapter and for no other purpose.

VII. Penalty. Any person who fails to comply with any notice served upon him under this section, shall be fined not more than five thousand dollars.

358-A:9 Habitual violation of Injunction. Upon petition by the attorney general, the court may order, for habitual violation of injunctions issued pursuant to section 4, III, hereof, the dissolution, suspension, or forfeiture of franchise of any corporation, or the right of any foreign corporation to do business in the state.

358-A:10 Restitution. Any person who has been defrauded by another person by use of an act or practice declared unlawful by this chapter, may bring an action for restitution against said person for his total loss and in the event of recovery shall be awarded all of his reasonable legal costs and expenses, as approved by the court, plus interest as added by the clerk of court on the amount awarded as restitution computed from the date of institution of said action to date of payment.

358-A:11 Proof Required. In order to prevail in any prosecution under this chapter, it is not necessary to prove actual confusion or misunderstanding.

358-A:12 Other Actions Saved. This chapter does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

19:2 Additional Assistant Attorney General. Amend RSA 7:16 (supp) as amended by 1957, 315:1, 1963, 209:1 and 1967, 413:1 by striking out in line two the word "seven" and inserting in place thereof the word (nine) so that said section as amended shall read as follows: **7:16 Assistant Attorneys General.** The attorney general, subject to the approval of the governor and council, may appoint nine assistant attorneys general, each of whom shall

hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney general may be removed only as provided by RSA 4:1.

19:3 Compensation.

I. Amend RSA 94:1 (supp) as amended by striking out where it appears in proper alphabetical order the line reading "Assistant attorney general (8) 10,670 16,006" and inserting in place thereof the following: (Assistant attorney general (9) 10,670 16,006).

II. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 by striking out where it appears in proper alphabetical order the line reading "Assistant attorneys general (8) 15,226 17,129" and inserting in place thereof the following: (Assistant attorneys general (9) 15,226 17,129).

19:4 Appropriation. There is hereby appropriated the sum of forty-five thousand, two hundred twenty-six dollars for fiscal year 1971, to be expended by the attorney general for the purposes of this act as follows:

	1971
Assistant attorney general	\$15,226
Permanent personnel	
2 Investigators (labor grade 19)	16,156
Legal steno II (labor grade 10)	5,309
Equipment	
Desks and chairs (3)	1,000
Typewriter and stand (1)	535
Current expenses	2,000
Travel	
In state	4,000
Out-of-state	1,000
Total	\$45,226

This appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant for said sums out any money in the treasury not otherwise appropriated.

19:5 Effective Date. This act shall take effect upon its passage.

[Approved April 30, 1970.]

[Effective date April 30, 1970.]

CHAPTER 20.

AN ACT IMPOSING A TAX ON CERTAIN INCOMES AND MAKING AN
APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

20:1 Tax Imposed. Amend RSA by inserting after chapter 77-A the following new chapter:

Chapter 77-B
Commuters Income Tax

77-B:1 Definitions. As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:

I. "Adjusted gross income" shall mean, for any taxable year, the adjusted gross income as defined in the United States internal revenue code in effect for that taxable year but excluding income which under the code is exempted from taxation by the state.

II. "Commission" shall mean the state tax commission.

III. "Estimated tax" shall mean the amount which the individual estimates as the amount of the income tax imposed by this chapter for the taxable year, minus the amount which the individual estimates as the sum of any credits against such tax.

IV. "Taxpayer" shall mean any person subject to the provisions of this chapter.

V. "Individual" shall mean a natural person.

VI. "New Hampshire taxable income" shall mean, for any taxable year, taxable income as defined under the United States internal revenue code in effect for that taxable year less any New Hampshire derived income and less an exemption of two thousand dollars.*

*This paragraph amended by 1970, 57:8.

VII. "Person" shall mean any individual.

VIII. "Taxable year" shall mean the calendar or fiscal year, or portion thereof, upon the basis of which the New Hampshire tax is computed.

IX. "Taxable nonresident" shall mean any nonresident of the state whose adjusted gross income that taxable year includes any amount of New Hampshire derived income.

X. "New Hampshire derived income" shall mean, for any taxable year:

(a) rents, royalties and gain derived from the ownership of property within the state;

(b) wages, salaries, fees, commissions or other income received with respect to personal services performed of whatever kind and in whatever form paid derived from activities (1) performed within this state, or (2) performed from a base of operations within this state and not subject to an income tax within the state where the services are performed.

(c) income derived from every business, trade, occupation or profession of the taxpayer to the extent that the business, trade, occupation or profession is carried on within the state. But New Hampshire derived income shall not include any income excluded from adjusted gross income as defined in this section.*

*This subparagraph amended by 1970, 57:8.

XI. "Resident" shall mean:

(a) an individual domiciled in the state except one who maintains a permanent place of abode outside the state, does not maintain one within

the state and does not spend more than thirty days of the taxable year within the state; or

(b) an individual who maintains a permanent place of abode within the state and spends more than one hundred eighty-three days of the taxable year within the state.

XII. For the purposes of this act, interest, dividends and capital gains received by the taxpayer from the ownership or sale of stock or from a beneficial interest in a trust and all income received by the taxpayer from a retirement system of any kind or from an annuity or other insurance plan shall be deemed to have been earned in the state of residence of said taxpayer.

77-B:2 Tax Imposed.

I. On Residents, Income Earned Outside New Hampshire. A tax is hereby imposed upon every resident of the state, which shall be levied, collected and paid annually at the rate of four percent of their income which is derived outside the state of New Hampshire as defined in RSA 77-B:1 "New Hampshire taxable income;" provided, however, that if such income shall be subject to a tax in the state in which it is derived, such tax shall constitute full satisfaction of the tax hereby imposed; and provided further, that if such income is exempt from taxation because of statutory or constitutional provisions in the state in which it is derived, or because the state in which it is derived does not impose an income tax on such income, it shall be exempt from taxation under this paragraph.

II. On Nonresidents, Income Earned in New Hampshire. A tax is hereby imposed upon every taxable nonresident, which shall be levied, collected and paid annually at the rate of four percent of their New Hampshire derived income as defined in RSA 77-B:1 less an exemption of two thousand dollars; provided, however, that if the tax hereby imposed exceeds the tax which would be imposed upon such income by the state of residence of the taxpayer, if such income were earned in such state, the tax hereby imposed shall be reduced to equal the tax which would be imposed by such other state.

III. Exception. Notwithstanding the provisions of paragraphs I and II, no tax shall be imposed upon salaries paid to men or women in the armed forces of the United States.

77-B:3 When Taxed. The tax imposed by RSA 77-B:2 shall be levied, collected, and paid by the fifteenth of the fourth month following the close of the taxable year.

77-B:4 Administration.

I. This chapter shall be administered and enforced by the tax commission. A division of commuters income tax is hereby established within said commission. The commission shall appoint a director under the personnel laws who shall have such powers, duties and functions in the enforcement and administration of this division as the commission may from time to time assign. The director shall furnish a bond in an amount set under RSA 93. The director shall appoint necessary assistants under the personnel law subject to the approval of the commission.*

*This paragraph amended by 1970, 57:7.

II. Subject to the approval of the commission, the director may prescribe rules and regulations reasonably designed to carry into effect the intent and purpose of this chapter. These rules and regulations are prima facie evidence of its proper interpretations.

III. Subject to approval of the commission, the director is authorized to equip the division with furniture, equipment and supplies necessary to administer the division.

IV. The expenditures authorized by paragraphs I and III of this section shall be a charge against the moneys collected pursuant to this chapter, provided, however, that until such time as moneys received pursuant to this chapter equal the cost of administering the same, the expenditures shall be a charge against the general fund. The governor is authorized to draw his warrants from the sums so authorized out of any money in the treasury not otherwise appropriated.

77-B:5 Credit for Taxes Withheld. Income upon which any tax is required to be withheld at its source under RSA 77-B:10-16 shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

77-B:6 Reciprocal Provisions. The commission is authorized to enter with any other state or country a reciprocal agreement in which such other state or country agrees not to impose a personal income tax upon income received by residents of this state and this state agrees not to impose a personal income tax upon income received by residents of such other state or country; provided, however, that such reciprocal agreement shall not become effective until the beginning of the next fiscal biennium after the date of such agreement.

Returns

77-B:7 Individuals.* A taxpayer shall file a return of his net income for such a period and on such accounting basis as is authorized under the internal revenue code. For each taxable year, returns shall be made to the commission in such form and manner and to such extent as it shall prescribe by regulations, by the following taxpayers:

I. A resident having for such taxable year any New Hampshire taxable income as defined in RSA 77-B:1; provided, however, that if it shall appear to the satisfaction of the commission that any residents of this state, or class of residents of this state, who are subject to the tax imposed by this act, are liable for tax upon the same income under the law imposed for the taxable year by another state and are thereby entitled to a credit allowed by section 2 of this chapter against the tax otherwise due under this chapter, the commission shall by regulation relieve such residents or class of residents from being required to make any return under this chapter.

II. A nonresident having for such taxable year New Hampshire derived income of two thousand dollars or more.

A husband and wife may make a single joint return to the commission for a taxable year for which such a return is filed under the laws of the United States. If the taxpayer is unable to make his own return, the return

shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

*This section amended by 1970, 57:10.

77-B:8 Information Returns. Each individual, partnership, corporation, joint stock company or association or insurance company, being a resident or having a place of business in this state, in whatever capacity acting, including lessees or mortgagors of personal property, fiduciaries, employers and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal or payment of salaries, wages, rentals, or other compensation or income subject to the provisions of this chapter paid or payable during any year to any individual subject to a tax under this chapter shall on such date or dates as the commission shall from time to time designate, make complete return thereof to the commission.

77-B:9 Form and Verification of Returns. Returns shall be in such form as the commission may from time to time prescribe and shall be filed at any office which may be established on or before the fifteenth day of the fourth month following the close of the taxable year. In case of sickness, absence or other disability, or whenever good cause exists, the commission may allow further time for filing returns. Returns shall be verified by written declarations that the statements therein are made subject to the pains and penalties of perjury. When a return is made for a corporation or partnership, the person signing such return shall be deemed to be the person subject to the pains and penalties of perjury. The commission shall cause to be prepared blank forms for the returns and shall cause them to be distributed throughout the state and to be furnished upon application, but failure to receive or secure the form shall not relieve a taxpayer from the obligation of making the return herein required.

Withholding of Tax

77-B:10* Who Must Withhold. Every employer, as defined under the laws of the United States in effect April 26, 1947, with respect to income tax collected at its source, employing any person liable for a tax pursuant to the provisions of this chapter shall deduct and withhold upon wages subject to the provisions of this chapter paid to said employee, a tax equal to four percent of such wages subject to the provisions of RSA 77-B:13.

*This section amended by 1970, 57:11.

77-B:11 Return of Withheld Taxes. Every employer required to deduct and withhold any tax under RSA 77-B:10 shall make return thereof to the commission on or before February fifteenth in each year and shall pay quarterly the tax withheld to the commission, provided, however, that the commission may, if such action is necessary in any emergency where collection of the tax may be in jeopardy, require such employer to make such return and pay such tax at any time, or from time to time.

77-B:12 Employer's Liability. Every employer required to deduct and withhold a tax under RSA 77-B:10 is hereby made liable for such tax and is hereby indemnified against the claims and demands of any individual, corporation or partnership for the amount of any payments made in accordance with the provisions of this chapter.

77-B:13 Use of Withholding Tables. At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax determined on the basis of tables to be prepared and furnished by the commission, which tax shall be substantially equivalent to the tax provided in RSA 77-B:10 and which shall be in lieu of the tax required in such section.

77-B:14 Amount of Withheld Taxes as Lien Against Employer. If any employer required to deduct and withhold a tax under RSA 77-B:10 neglects or refuses to pay the same after demand, the amount, including interest after such demand, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, belonging to such employer. Such lien shall arise at the time the assessment and demand is made by the commission and shall continue until the liability for such sum, with interest and costs, is satisfied or becomes unenforceable. Such lien shall be valid as against any subsequent mortgagee, pledgee, purchaser or judgment creditor when notice of such lien and the sum due has been filed by the commission with the clerk of the town or city in which the property subject to the lien is situated, or, in the case of an unorganized town or grant, in the office of the register of deeds for the county wherein such property is situated. In the case of any prior mortgage on real or personal property so written as to secure a present debt and also future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been filed in the proper clerk's office, shall be subject to such prior mortgage unless the commission also notifies the mortgagee of the recording of such lien in writing, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien herein provided for.

77-B:15 Release of Lien. The commission shall issue and record a certificate of release of the lien if:

I. The commission finds that the liability for the amount assessed and demanded, together with interest and costs, has been satisfied or has become unenforceable; or

II. There is furnished to the commission a bond with surety approved by the commission in a penal sum sufficient to equal the sum assessed and demanded, together with interest and costs, said bond to be conditioned upon the payment of any judgment rendered in proceedings regularly instituted by the commission to enforce collection thereof at law.

77-B:16 Foreclosure of Lien. The lien provided for by RSA 77-B:14 may be foreclosed in the case of real estate agreeably with the provisions of law relating to foreclosure of mortgages on real estate, and in the case of personal property, agreeably with the provisions of law relating to the foreclosure of chattel mortgages.

Estimated Tax Declarations

77-B:17 Who Must File.

I. Individuals liable for the tax assessed under this chapter shall annually on the fifteenth of the fourth month following the close of the tax-

able year furnish the tax commission with an estimate of income subject to taxation under this chapter for the current taxable year from which no New Hampshire withholding tax is expected to be made if such income can reasonably be expected to exceed ten thousand dollars.

II. The filing of estimates shall not be applicable to persons receiving their income from farming as defined under the United States code.

77-B:18 Payment of Estimated Tax. Each taxpayer required to file an estimated tax declaration shall include with his declaration of estimated income payment of not less than one-quarter of the tax due thereon. Thereafter, on the fifteenth days of the sixth and ninth months following the close of the taxable year the taxpayer shall pay not less than one-quarter of the tax due upon said estimated income or any revised estimate thereof.

77-B:19 Payment of Fourth Installment — General Rule. Annually on the fifteenth day following the close of the taxable year for which the estimate of income was made, the taxpayer, whose income can reasonably be expected to exceed his estimated income by thirty percent or more shall file an amended declaration of estimated income on or before such date and make payment in full of the balance of tax due thereon, or in lieu thereof may file a return for the taxable year for which the estimate was made and pay the tax in full as computed on the return on or before the last day of the first month following the close of said taxable year. Otherwise, the final quarterly payment may be made with the taxpayer's return on the fifteenth day of the fourth month following the close of the taxable year for which the taxes were due.

77-B:20 — Exceptions. This requirement to amend or file a return shall not apply, however, if the taxpayer files a declaration of estimated income and makes payment of the tax due thereon as provided in this chapter, based upon:

I. The tax shown on the return by the taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of twelve months, or

II. An amount equal to the tax computed at the rates applicable to the taxable year, on the basis of the taxpayer's status for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year.

77-B:21 Adjustments; Procedure. The commission is empowered to determine whether there has been error in the assessment of the tax imposed by this chapter, in accordance with the following provisions:

I. The taxpayer may demand such a determination, in writing, within three years after the tax was due or paid, whichever is later;

II. The commission may, on its own motion, undertake such a determination upon written notice to the taxpayer given within three years after the tax was due or paid, whichever is later.

III. After hearing, if requested by the taxpayer, the commission shall affirm or shall increase or decrease the tax theretofore assessed. Any increase ordered by the commission shall be assessed against the taxpayer and shall

carry ten percent interest from the date originally due. Any decrease ordered by the commission shall, with ten percent interest from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer, but such credit and payment together may not exceed the amount of the tax originally paid, plus interest.

77-B:22 Appeal. Within thirty days after notice of any adjustment of a tax by the commission under RSA 77-B:21, a taxpayer may appeal the commission's determination by petition to the superior court in the county where the taxpayer resides or, if not a resident, in the county where he has a place of business or a resident agent. The superior court shall determine the correctness of the commission's action de novo.

Miscellaneous Provisions

77-B:23 Penalty. Whoever violates any of the provisions of this chapter shall be fined not less than one hundred dollars nor more than two thousand dollars, or imprisoned not more than one year or both.

77-B:24 Disposal of Revenue. The revenue received from this tax, after paying the expense of administering this chapter shall be paid into the general fund.

77-B:25 Investigation, etc.

*I. The commission may take the oath of any person in the course of any examination, investigation or hearing authorized by this chapter. In connection with hearings, the commission and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commission and taxpayer may take the depositions of witnesses residing within or without the state pertaining to a matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses are the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commission shall be considered as an expense of administration of this chapter.

*This paragraph amended by 1970, 57:9.

II. Any notice required by this chapter to be given by the commission to a taxpayer shall be made by certified mail to the last known address of the taxpayer and in the case of hearings shall be given at least ten days before the date thereof.

77-B:26 Confidentiality of Commission Records. Notwithstanding any other provision of law and except as hereinafter provided, the records and files of the commission respecting the administration of this chapter are confidential and privileged. The commission, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the commission's records or files or from any examination, investigation or hearing authorized by this chapter. Neither the commission nor any employee of the commission may be required to produce any of the records,

files and information for the inspection of any person or for use in any action or proceedings. The following exceptions apply to this section:

I. Testimony by a member or employee of the commission and production of records, files and information in behalf of the commission or a taxpayer in any action or proceeding under the provisions of this chapter where such testimony or the records or files or information, or the facts shown thereby are directly involved in the action or proceeding;

II. Delivery to a taxpayer or his duly authorized representative of a copy of any return or other paper filed by the taxpayer pursuant to this chapter;

III. Publication of statistics so classified as to prevent the identification of a particular return and the items of the return;

IV. Exchange of information with the United States internal revenue service in accordance with compacts made and provided for such cases;

V. Disclosure in confidence to the governor and council or their agent in the exercise of their general supervisory powers, or to any person authorized to audit the accounts of the commission in pursuance of such audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding under this chapter.

77-B:27 Preference. The taxes and interest imposed by this chapter have preference in any distribution of the assets of the taxpayer, whether in insolvency or otherwise.

77-B:28 Dissolution of Corporations. No corporation organized under any law of this state may be dissolved until all taxes and interest required to be withheld by said corporation under this chapter have been fully paid. The secretary of state shall not issue a certificate of dissolution, and no decree of dissolution shall be signed in any court without a certificate from the commission that no taxes and interest imposed by this chapter are due and unpaid.

20:2 Duties of Commission. Amend RSA 71:11 by inserting after paragraph XIII the following new paragraph: XIV. Income Tax. To enforce the provisions, including the issuance of reasonable rules and regulations relating thereto, of RSA 77-B.

20:3 Effective Date. RSA 77-B:2 as inserted by section 1 of this act shall take effect July 1, 1970 and the remainder of this act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date RSA 77-B:2 as inserted by section 1 of this act shall take effect July 1, 1970 and remainder of this act shall take effect May 4, 1970.]

CHAPTER 21.

AN ACT RELATIVE TO THE SALE OF SUBDIVIDED LAND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

21:1 Subdivision of Land. Amend RSA 36:27 (supp) as amended by 1963, 163:3 and 1969, 185:1 by striking out said section and inserting in place thereof the following: **36:27 Penalties for Transferring Lots in Unapproved Subdivisions.** Any owner, or agent of the owner, of any land located within a subdivision in a municipality that has adopted subdivision regulations, who transfers or sells any land, before a plat of the said subdivision has been approved by the planning board and recorded or filed in the office of the appropriate register of deeds shall forfeit and pay a penalty of five hundred dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action the prevailing party may recover reasonable court costs and attorneys fees as same may be ordered by the court.

21:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 22.AN ACT TO DEFINE JURISDICTION OVER DREDGE AND FILL OPERATIONS IN
WATERS AND WETLANDS LOCATED IN THIS STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

22:1 Jurisdiction. Amend RSA 483-A as inserted by 1967, 215 and amended by 1969, 387 (supp) by inserting after section 1 the following new sections:

483-A:1-a Definition. Without limiting section 1, the waters and adjacent areas within this state to which this chapter applies are defined as follows:

I. Wherever the tide ebbs and flows, it shall apply to all lands submerged or flowed by mean high tide as locally determined, and, in addition, to those areas which border on tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats or other low lands subject to tidal action (including those areas now or formerly connected to tidal waters), whose surface is at an elevation not exceeding three and one-half feet above local mean high tide and upon which grow or are capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass

also known as cordgrass (*Spartina alterniflora*), saltworts (*Salicornia* spp.), Sea Lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus maritimus*, var. *fernaldii* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina* and *Spergularia canadensis*), high-tide bush (*Iva frutescens*), spike rush (*Eleocharis parvula* and *Eleocharis halophila*), chair-maker's rush (*Scirpus americana*), bent grass (*Argostis palustris*), coast-blite (*Suaeda* spp.), orach (*Atriplex patula*), arrow-grass (*Triglochin maritima*) and seaside goldenrod (*Solidago sempervirens*). The occurrence and extent of saltmarsh peat at the undisturbed surface shall be evidence of the extent of jurisdiction hereunder within a saltmarsh.

II. Wherever fresh water flows or stands and in all areas above tidal waters not included in paragraph I of this section, it shall apply (in addition to great ponds or lakes of ten acres or more in natural area as provided for in RSA 482:41-e to 41-i and RSA 488-A), to those portions of great ponds or lakes created by the raising of the water level of the same whether by public or private structure, and to all surface waters of the state as defined in RSA 149:1 which contain fresh water including the portion of any bank or shore which borders such surface waters, and to any swamp or bog subject to periodical flooding by fresh water including the surrounding shore.

III. "Mean high tide" as used in this section shall be determined according to the published tables and standards of the United States Coast and Geodetic Survey, adjusted to the locality from such tables.

483-A:1-b Finding of Public Purpose. It is found to be for the public good and welfare of this state to protect and preserve its submerged lands under tidal and fresh waters and its wetlands, (both saltwater and freshwater), as herein defined, from despoliation and unregulated alteration, because such despoliation or unregulated alteration will adversely affect the value of such areas as sources of nutrients for finfish, crustacea, shellfish and wildlife of significant value, will damage or destroy habitats and reproduction areas for plants, fish and wildlife of importance, will eliminate, depreciate or obstruct the commerce, recreation and aesthetic enjoyment of the public, will be detrimental to adequate ground water levels, will adversely affect stream channels and their ability to handle the runoff of waters, will disturb and reduce the natural ability of wetlands to absorb flood waters and silt, thus increasing general flood damage and the silting of open water channels, and will otherwise adversely affect the interests of the general public.

22:2 Abutting Owners. Amend RSA 483-A by inserting after section 2 the following new section: **483-A:2-a Notice to Abutters.** Like notice shall be seasonably mailed to all known abutting landowners, supplemented by reasonable notice by newspaper publications to those unknown, as may be ordered by the water resources board.

22:3 Appeal. Amend RSA 483-A:4 as inserted by 1967, 215 and amended by 1969, 387 (supp) by striking out said section and inserting in place thereof the following new sections:

483-A:4 Rehearings and Appeals; Damages.

I. Any party to or participating in the action or proceedings before the board may apply for a rehearing and may appeal to the superior court for

the county where the land in question is located, under the same procedure as is provided for appeals in RSA 31:74-87, inclusive. Each appeal shall contain a careful description of the land involved in the board's decision. Service of the appeal shall be made on any member of the board and the superior court shall have the same jurisdiction to dispose of such appeals as is provided in the above cited sections governing appeals.

II. If, upon appeal of the landowner, the superior court determines that the decision appealed from so exceeds the bounds of the police power as to constitute the equivalent of a taking without compensation and that the land as so regulated meets the public purpose standards of this chapter, and if such ruling is affirmed on appeal or becomes the law of the trial by failure of the state to appeal, the superior court shall then proceed to the assessment of the landowner's damages. Unless the board, at this stage, consents to the reversal or modification of its decision by the superior court, that court shall first determine all questions of land title, after notice to all persons interested in the land including notice by publication to any unknown owners, and then shall assess the damages of the landowner or landowners, proceeding as provided in RSA 482:25-28, inclusive, and RSA 481:10, II and III, and may enter judgment against the state accordingly. The interest acquired by the state by virtue of such proceedings shall be a perpetual negative easement that the privately-owned land or interest therein described in the proceedings shall not thereafter be excavated, removed, filled, dredged, canalized or ditched, subject to any such reasonable reservations to the landowner, as the board may have stipulated to, prior to the assessment of damages. The state may, in the alternative, purchase the land or interest therein in fee simple, or other acceptable title, or subject to acceptable reservations and exceptions, by agreement with the landowner. To satisfy any judgment or purchase agreement hereunder, the governor and council, in their discretion, may draw their warrant on the marine fisheries fund, the fish and game fund, any other available appropriation therefor, or on any money in the treasury not otherwise appropriated, or any combination thereof, as they may determine to be just and reasonable, or, in the alternative, they may certify a judgment to the next session of the general court for the passage of an appropriation of money sufficient to satisfy the same. The board may, in the name of the state, accept gifts of land or interests therein for the purposes of this chapter.

III. The use of the marine fisheries fund or the fish and game fund, under paragraph II, shall require a finding that the expenditure will be of substantial benefit to marine fisheries or to fish and wildlife, as the case may be, and the governor and council shall request the prior opinion of the fish and game commission in each such case.

483-A:4-a Administrative Provisions.

I. The board may adopt reasonable rules and regulations to govern its proceedings and otherwise to carry out the purposes of this chapter. The requirement of public hearing in section 2 may not apply to such minor projects and to such minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter, as the board may by reasonable general regulation provide; and as to such projects, full authority may be delegated to the water resources board.

II. The word "person" as it appears in sections 1 and 2 shall mean any person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental departments and agencies, or subdivisions thereof.

III. Decisions of the board hereunder shall be consistent with the purposes of this chapter as set forth in section 1-b above. Before granting a permit hereunder, the board may require reasonable proof of ownership by a private landowner-applicant. Decisions of the board may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

483-A:4-b Reports of Violations. All state, county and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the board.

22:4 Assistance. The water resources board shall provide necessary administrative assistance for the special board established by 1969, 387:6, during its life, but shall be fairly assisted by the cooperating state agencies represented on the board.

22:5 Artificial Fill. Amend RSA 482:41-e as inserted by 1967, 307:1 by striking out said section and inserting in place thereof the following:
482:41-e Artificial Fill. No person, firm or corporation shall place or cause to be placed any fill below the mean high water level of any public waters nor below the artificially created high water level of public owned water bodies in this state with the intent or with the effect of creating or forming filled land thereby adjacent to such water bodies, except as provided in this subdivision. For the purposes of this subdivision, public waters are defined as all natural ponds of more than ten acres. Public owned water bodies are defined as those bodies of water whose artificial high water level is maintained by the state's exercise of its flowage rights on these ponds. The prohibition hereof shall not apply to the state, the federal government, or to municipal corporations, or to their agents acting within the scope of their official duties. However, these excepted entities shall inform the water resources board of their intent to place fill in public waters. The provisions of this subdivision shall apply to the construction of wharves or piers. The provisions of this subdivision shall not apply to such other minor improvements of shore lines as the water resources board by regulations may allow.

22:6 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 23.

AN ACT RELATIVE TO TAX EXEMPTION FOR NUTFIELD HEIGHTS INC. A
COMMUNITY HOUSING PROJECT FOR ELDERLY PERSONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

23:1 Tax Exemption. Amend RSA 72 by inserting after section 23-d (supp) as inserted by 1965, 189:1, the following new section: **72:23-e Nutfield Heights Inc.** The real estate and personal property of Nutfield Heights Inc. a nonprofit corporation sponsored by Derry and Londonderry United Methodist Churches to provide community housing for elderly persons, if none of the income or profits of the community housing is used for any purpose other than the purpose for which the housing is established, shall be exempt from taxation. For the purpose of this section an elderly person is one who is sixty-two years or more of age. The age of the head of the family determines the eligibility of the family unit in the community housing. On or before December first of each year the owner of the community housing shall pay to the town or city in which the property is situated, in lieu of taxes, a sum representing ten percent of the shelter rent received by the owner during the preceding calendar year. For cause shown, having in mind the nature and purpose of the corporation, the tax commission may abate all or a portion of the payment in lieu of taxes in any year. The owner on or before June first of each year shall file with the tax commission in such form as the tax commission prescribes a statement of financial condition of the community housing project for the preceding fiscal year, and shall file such other information as the tax commission requires.

23:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 24.

AN ACT RELATIVE TO THE DEFINITION OF OBSCENITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

24:1 Obscenity Statute Clarified. Amend RSA 571-A:1 (supp) as inserted by 1965, 146:1 by striking out in lines one through five inclusive the words "Material is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is a shameful or morbid interest, in nudity, sex or excretion, and if in addition it goes substantially beyond customary limits of candor in describing or representing such matters," and inserting in place thereof the following (Material is obscene if (a) considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and (b) it goes substantially beyond customary limits of candor in describing or representing such matters,

and (c) it is utterly without redeeming social importance) so that said section as amended shall read as follows: **571-A:1 Obscene Defined.** Material is obscene if (a) considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and (b) it goes substantially beyond customary limits of candor in describing or representing such matters, and (c) it is utterly without redeeming social importance. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience. Undeveloped photographs, molds, printing plates, and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

24:2 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 25.

AN ACT RATIFYING THE COMPACT FOR EDUCATION, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

25:1 New Chapter. Amend RSA by inserting after chapter 200-F (supp) as inserted by 1969, 250:1 the following new chapter:

Chapter 200-G Compact for Education

200-G:1 Compact Ratified. The general court of this state hereby ratifies the following compact to become effective at such time as the legislative bodies of at least ten eligible party jurisdictions also ratify it.

Compact for Education Preamble

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the states to preserve a free and open society in the United States; and,

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and,

WHEREAS, there is a vital need for strengthening the voices of the states in the formulation of alternative nationwide educational policies,

The states affirm the need for close and continuing consultation among our several states on all matters of education, and do hereby establish this compact for education.

Article I. Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission

A. The Educational Commission of the States, hereinafter called "the commission", is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its

members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose

of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Article IV. Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation with Federal Government

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by

or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-third of the voting membership of the steering committee shall consist of governors, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Article VII. Finance

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III (g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII. Eligible Parties Entry Into and Withdrawal

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matter.

200-G:2 Members of the Educational Commission of the States. Of the members of the educational commission from this state, the speaker of the house of representatives shall appoint one such member from the membership of the house and the president of the senate shall appoint one such member from the membership of the senate. Said legislative members of the commission shall serve for a term of two years each.

200-G:3 Copies to be Sent. The secretary of state shall send authenticated copies of this chapter to the governor of each eligible jurisdiction.

25:2 Appropriation. There is hereby appropriated the sum of eight thousand dollars to be expended by the educational commission of the states for the purposes of the compact for education as provided by RSA 200-G. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

25:3 Effective Date. This act shall take effect July 1, 1970.

[Approved May 4, 1970.]

[Effective Date July 1, 1970.]

CHAPTER 26.

AN ACT PROVIDING FOR SPECIAL LIQUOR LICENSES AND BEVERAGE PERMITS FOR NONPROFIT ORGANIZATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

26:1 Special License and Permit. Amend RSA 178 by inserting after section 8-a the following new sections:

178:8-b Special Licenses and Permits for Nonprofit Organizations. Notwithstanding the provisions of RSA 181:3, the commission may issue a limited permit or license or both to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Said permit or license shall authorize the permittee to sell to members and their guests of the group or organization for whose benefit such permit or license shall have been issued, on premises approved by the commission, the beverages or liquor described in the permit or license.

178:8-c — Approval of Premises; Application. No license or permit shall be issued under section 8-b for any premises unless such premises have the following official approvals: (a) approval of the chief of the local fire department as to the safety of said premises, (b) approval by the local health department as to sanitary accommodations and (c) approval by the chief of police as to accessibility of said premises. Written statements from these officials shall accompany the application to the commission for said permit or license. Said application shall reach the commission offices no later than ten days before the date for which the license or permit is desired.

178:8-d — Minors. No minors shall be allowed in those areas where liquor or beverages are being served under a license or permit issued pursuant to section 8-b unless accompanied by their parents or legal guardian. The selectmen of the town in which such permit or license is held may at their discretion assign police officers to the premises where liquor or beverages are being served.

178:8-e — Limitations; Suspension. No permit or license shall be issued pursuant to section 8-b to premises holding other permits or licenses issued by the commission except for rental facilities on licensed club premises approved by the commission. Notwithstanding the provisions of RSA 178:11, the commission or its agents may suspend without warning any permit or license issued under section 8-b if in their opinion the continuance of sales of liquor or beverages under said permit or license would not be in the best public interest.

178:8-f — Regulations; Fees. The commission shall promulgate such rules and regulations as it deems necessary for the administration of sections 8-b through 8-f. The fee for a permit issued pursuant to section 8-b shall be fifteen dollars per day and the fee for a license issued under said section shall be an additional fifteen dollars.

26:2 Effective Date. This act shall take effect thirty days after its passage.

[Approved May 4, 1970.]

[Effective Date June 3, 1970.]

CHAPTER 27

AN ACT TO CLARIFY THE AUTHORITY OF THE WATER SUPPLY AND POLLUTION CONTROL COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

27:1 Water Supply and Control Commission. Amend RSA 149:4, VI by striking out said paragraph and inserting in place thereof the following: VI. To investigate and approve after making such modification as the commission deems necessary to conform to the purpose of this chapter and RSA 149-B, any portions of the applications of those municipalities, industries, or other persons of the state as may request state or federal aid that may at

any time be made available in the interest of pollution control. To this end the commission shall be the state agency designated to receive or to make agreements on behalf of the state for any federal or other moneys as may be allotted for such purposes. Those who have already incurred expense in order to comply with a classification adopted by the legislature or made under section 11 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of such classification.

27:2 Standards. Amend RSA 149:4, IX (supp) as inserted by 1965, 267:8, by striking out said paragraph and inserting in place thereof the following: IX. To set standards of design and construction for sewerage and sewage or waste treatment systems. To reject, if necessary, or modify and approve as deemed necessary for the purposes of the state water pollution control program all engineering or other documents associated with the design and construction of pollution control projects and perform such other related engineering or inspectional work as will provide for proper design, construction and operation of the facilities involved, and take such other action as the commission deems necessary to maximize the effectiveness of sewerage and other pollution control facilities, both proposed and in construction. The purpose of this paragraph is to ensure the planning, construction and operation of publicly owned pollution control facilities which in the judgment of the commission will produce maximum benefits with the least expenditure of federal, state and local funds.

27:3 Review and Modification of Contracts. Amend RSA 149:4, XIII (supp) by striking out said paragraph and inserting in place thereof the following: XIII. To review, establish maximum state participation fees and modify in any other way which in the judgment of the commission will promote economy and the purposes of this chapter, and following such review or modification, approve and cosign jointly with the municipality or other governmental subdivision concerned any proposed contracts or other proposed agreements or changes in contracts or agreements for engineering services related to sewerage and other pollution control facilities. Further, the commission shall prescribe the contract documents to be employed and may provide for the assessment of liquidated damages for failure to complete the work within the time stipulated therefor. Except for the financial assistance available to municipalities under the provisions of RSA 149-B, nothing herein shall be construed to place any additional financial obligation on the state, the commission, or its personnel.

27:4 Enforcement of Classification. Amend RSA 149:8, III (supp) as amended by 1967, 147:9, by striking out said paragraph and inserting in place thereof the following: III. It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to a surface water of the state without first obtaining a written permit from the commission. In granting such permits, the commission shall prescribe such degree of treatment as it deems reasonable and proper. Further, whenever in its judgment, the purposes of this chapter will be best served, the commission may require as a condition to the granting of such permits that either the ownership (and operation) of the collection and treatment facilities involved be vested in the municipality (or any subdivision thereof) in which the system

is located, if said municipality by legal action agrees thereto, or such other reasonable conditions as will ensure continuous and continuing operation and maintenance of the facilities. The degree of treatment prescribed shall be based upon economic and technological factors, upon the projected best use of the surface waters downstream, and upon the classification enacted by the legislature. No permit shall be granted to utilize the entire assets of the surface water. The commission may prescribe a monitoring program to be performed by the applicant with periodic reports to the commission. Permits shall be reviewed periodically in order to ensure compliance with the stream classification criteria and standards adopted by the legislature for the particular waters involved. Any determination by the commission under this paragraph shall be subject to appeal as provided for in RSA 149:14.

27:5 Aid to Municipalities. Amend RSA 149-B:1 (supp) as amended by 1965, 14:1 by striking out said section and inserting in place thereof the following: **149-B:1 State Contributions.** The state of New Hampshire shall, in addition to the federal grant made available under the provisions of Public Law 660, 84th Congress (subsequent amendments thereof, or any other federal legislation), pay annually thirty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns or village districts), in accordance with RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII, for the control of water pollution. The word construction shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations and intercepting sewers; the altering, improving or adding to existing treatment plants, pumping stations and intercepting sewers; provided the construction has been directed by the water supply and pollution control commission, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII. The term "original costs" as used herein shall mean the entire cost of the construction as defined in Public Law 660, 84th Congress (subsequent amendments thereof, or any other relative federal legislation), excluding land acquisition. In computing said costs no deduction shall be made for federal grants therefor.

27:6 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective Date May 4, 1970.]

CHAPTER 28.

AN ACT RELATIVE TO MUNICIPAL PERMITS FOR PREVIOUSLY REGISTERED MOTOR VEHICLES AND RELATIVE TO ISSUANCE OF CERTAIN CERTIFICATES OF TITLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

28:1 Municipal Permits for Motor Vehicle Registration. Amend RSA 260:22 (supp) as amended by 1967, 332:1 by striking out said section and

inserting in place thereof the following: **260:22 Required.** No motor vehicle owned or controlled by a resident of this state shall be registered under the provisions of this chapter until the owner or person controlling the same has obtained a permit for registration from the city or town wherein he resides. No such permit for a motor vehicle six years old or less, such age to be calculated from the year in which application is made pursuant to this chapter, may be issued unless the applicant proves prior ownership of the vehicle by presenting to the city or town clerk a current or previous year's registration certificate, a certificate of title, a certificate of temporary registration issued by a registered motor vehicle dealer or a certified bill of sale from the previous owner of the motor vehicle if such owner is a private individual who has previously registered said vehicle. This section shall not apply to motor vehicles which constitute stock in trade of a manufacturer or of a bona fide dealer.

28:2 Certificate of Title. Amend RSA 269-A (supp) as inserted by 1967, 357:1 by inserting after section 17 the following new sections:

269-A:17-a A Husband and Wife. Notwithstanding any other provision of law and unless otherwise provided in the will, upon the death of a married resident owner of a motor vehicle registered in this state, said motor vehicle, if used for family purposes, shall be deemed to have been jointly held property with right of survivorship and the interest of said decedent shall pass to his or her surviving spouse; and a certificate of title shall issue on the following conditions:

I. Where a certificate of title has been issued on said vehicle a new certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the director accompanied by (1) copy of the death certificate, (2) the certificate of title previously issued and (3) the required fee;

II. Where no certificate of title has been issued on said vehicle and where such transfer requires the issuance of a certificate of title a first certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the director including information required by RSA 269-A:7, I, (a) and (b), accompanied by (1) a copy of the death certificate and (2) the required fee.

269-A:17-b Liens; Fee. In the case of a transfer of a motor vehicle under RSA 269-A:17-a any lien on the motor vehicle shall be automatically continued. The fee for issuance of a certificate of title under RSA 269-A:17-a shall be as provided in RSA 269-A:28.

28:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective Date July 3, 1970.]

CHAPTER 29.

AN ACT REDUCING THE APPROPRIATION FOR A DATA PROCESSING BUILDING, PROVIDING FOR THE LEASE OF ADDITIONAL OFFICE SPACE, AND APPROPRIATING THEREFOR, PROVIDING FOR A STUDY COMMITTEE, PROVIDING FOR ADDITIONAL PERSONNEL FOR DATA PROCESSING, AND APPLYING RESTRICTIONS TO THE POST OFFICE RENOVATION AND PURCHASE FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

29:1 Data Processing Building. Amend 1969, 505:1, V by striking out said paragraph including the footnote and inserting in place thereof the following:

V. Central automated data processing:

(a) For design services for a data processing building on state owned land on Concord Heights \$30,000

29:2 Bond Issue. Amend 1969, 505:8 by striking out the words "twenty million, two hundred fifty-eight thousand, eight hundred eight dollars" and inserting in place thereof the words (nineteen million, seven hundred ninety-three thousand, eight hundred eight dollars) so that said section as amended shall read as follows: **505:8 Bonds Authorized.** To provide funds for the appropriations made in sections 1, 2, 3, and 4 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of nineteen million, seven hundred ninety-three thousand, eight hundred eight dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

29:3 Appropriation for Lease. The sum of one hundred sixty thousand dollars is hereby appropriated to be expended by the department of administration and control for salaries and current expense for the lease of approximately thirty thousand square feet of office space from NH-Vt Blue Cross and Blue Shield, in Concord, New Hampshire, for state agencies as follows:

Additional office space:

Personnel services	
Permanent	\$27,000
Other	2,000
Current expense	91,000
Moving and renovations	40,000
	<hr/>
Total appropriation	\$160,000

This appropriation shall not lapse until June 30, 1971. Any department or agency which is assigned space in the new quarters shall be liable for the payment of rental charges for the space so utilized if funds are available in departmental appropriations. The department of administration and control may assess a fair and equitable charge for the space assigned and all rents received shall be credited to the unrestricted general fund. Funds hereby appropriated shall be available for expenditure for all required

costs of the operation and maintenance of the leased facility and including the cost of moving the agencies assigned. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

29:4 Office Space Study Committee. A study committee is authorized to review the needs for additional office space for all state agencies. Said committee shall consider all of the buildings presently owned by the state together with those under consideration for construction in the near future. They shall review the proposed utilization of the old post office in Concord, New Hampshire, and shall investigate quantity, type, and sufficiency of all space presently being leased or rented by state agencies. Said committee shall submit a report with their recommendations to the 1971 legislative session. The committee shall consist of two members of the senate appointed by the president, three members of the house of representatives appointed by the speaker, the comptroller or his representative, and the commissioner of public works and highways or his representative. The legislative members of the committee shall receive legislative mileage for each day the committee is in session which shall be a charge on the appropriate legislative appropriation.

29:5 Post Office Renovation Fund. Amend Laws of 1967 chapter 394:1 in the appropriation for administration and control by inserting in the line reading "Post Office 100,000" an asterisk (*) and by inserting at the end of said paragraph the following (* No part of this appropriation shall be transferred, expended or lapsed until further legislation is enacted unless in the opinion of the governor an emergency situation exists.)

29:6 Post Office Purchase Fund. Amend Laws of 1969 chapter 505:1 in the appropriation for administration and control by inserting in the line reading "For purchase, repairs and renovation of old post office including expenses of moving departments 600,000" an asterisk (*) and by inserting at the end of said paragraph the following: (* No part of this appropriation shall be transferred, expended or lapsed until further legislation is enacted except to make payment for the purchase and the costs thereof.)

29:7 Managing Personnel. Amend RSA 8-C (supp) as inserted by 1967, 253:1 by inserting after section 8 the following new section: **8-C:8-a Managers.** The director shall employ the following unclassified personnel: A manager of management information systems, a manager of programming and a manager of operations. Each manager shall serve at the pleasure of the director and his salary shall be as provided in RSA 94:1 provided that the director may at any time, establish the salary of each at any step in the range as therein provided.

29:8 Salaries. Amend RSA 94:1 (supp) and 94:1-a (supp) both as amended, by inserting each in proper alphabetical order the following: Manager of management information systems, data processing 14,900 18,900; manager of programming, data processing 14,900 18,900; manager of operations, data processing 14,900 18,900.

29:9 Effective Date. This act shall take effect upon its passage.
 [Approved May 4, 1970.]
 [Effective Date May 4, 1970.]

CHAPTER 30.

AN ACT RELATIVE TO INCREASING THE INTEREST CHARGED FOR DELINQUENT,
REDEMPITIVE, AND SUBSEQUENT TAX PAYMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

30:1 Interest Increased. Amend RSA 76:13 (supp) as amended by 1965, 81:1 and 1969, 206:1 by striking out in line one the word "six" and inserting in place thereof the word (nine) so that said section as amended shall read as follows: **76:13 Interest.** Interest at nine per cent shall be charged upon all taxes except poll taxes not paid on or before December first after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill is sent to the taxpayer on or after November second and before November sixteenth, interest shall not be charged on taxes paid on or before December fifteenth and in case a tax bill is sent to the taxpayer on or after November sixteenth interest shall not be charged on taxes paid on or before December thirtieth. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the tax commission in writing of the date on which the last tax bill was sent.

30:2 Redemption. Amend RSA 80:32 by striking out in line five the word "eight" and inserting in place thereof the word (eleven) so that said section as amended shall read as follows: **80:32 Redemption.** Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with eleven per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

30:3 Payment of Subsequent Tax. Amend RSA 80:37 (supp) as amended by 1967, 313:1 by striking out in line twenty-three the word "eight" and inserting in place thereof the word (eleven) so that said section as amended shall read as follows: **80:37 Payment of Subsequent Tax.** The purchaser of real estate at any tax sale may pay to the collector any tax assessed upon the real estate subsequent to that for which it was sold and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive fifty

cents for such notice to the register of deeds of the subsequent payment plus fifty cents to be paid to the register of deeds. The purchaser, within fifteen days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of his payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a tax subsequent to that for which the real estate was sold and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale the collector shall be paid the sum of one dollar for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of eleven per cent per year from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

30:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 31.

AN ACT RELATIVE TO RECONSTRUCTION OF A TOWN ROAD IN SUTTON LEADING TO THE KEARSARGE REGIONAL SCHOOL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

31:1 Class II Highway Created. From the effective date of this act, the 1.1 miles of highway known as the Old North Road, beginning from exit 10 on Route 89 southeast to the entrance of the Kearsarge regional school building is classified as a class II highway.

31:2 Reconstruction. The portion of highway referred to in section 1 shall be reconstructed under the supervision and direction of the department of public works and highways, the cost of such reconstruction shall be paid for one-half by the town of Sutton and one-half by the state from funds for state aid for class II highways.

31:3 Maintenance. Subsequent to the reconstruction provided for in section 2 the maintenance of said portion of highway shall be the responsibility of the town of Sutton for winter maintenance and the responsibility of the state for summer maintenance.

31:4 Effective Date. This act shall take effect January 1, 1971.

[Approved May 4, 1970.]

[Effective date January 1, 1971.]

CHAPTER 32.**AN ACT RELATIVE TO FEES FOR MEDICAL REFEREES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

32:1 Fees; Referees. Amend RSA 611:27 (supp) as amended by 1955, 123:1, and 1963, 64:1 by striking out in lines two and three the word "fifteen" and inserting in place thereof the word (thirty) and by striking out in line three the word "twenty-five" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **611:27 Fees; Referees.** The fees allowed the referees shall not exceed the following, viz.: For a view and inquiry without an autopsy, thirty dollars; for a view and autopsy, fifty dollars; for an inquest, thirty dollars a day for the time actually spent in holding such inquest; and for all necessary travel at the rate of ten cents a mile.

32:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 33.**AN ACT AUTHORIZING THE DIRECTOR OF PURCHASE AND PROPERTY TO PURCHASE SUPPLIES FOR THE NEW HAMPSHIRE COLLEGE AND UNIVERSITY COUNCIL.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

33:1 Nongovernmental Purchases. Amend RSA 8 by inserting after section 22 the following new section: **8:22-a Educational Purchases.** In addition to the foregoing duties, the director of purchase and property may purchase supplies for the New Hampshire College and University Council, a nonprofit New Hampshire corporation, whenever the governing body thereof so desires and the director deems that he can make such purchases advantageously.

33:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 34.

AN ACT TRANSFERRING THE FUNCTIONS OF THE TRAINING, EDUCATION AND VOCATIONAL REHABILITATION OF THE BLIND FROM THE DEPARTMENT OF HEALTH AND WELFARE TO THE DEPARTMENT OF EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

34:1 New Chapter. Amend RSA by inserting after RSA 186-A the following new chapter.

Chapter 186-B**Education and Training of the Blind**

186-B:1 Statement of Purpose. To enable the state to more effectively provide services to the blind of all ages in the state, it is the intent of this chapter to place the functions of education, training, vocational rehabilitation, and related services of the blind under one administration. By this transfer of functions, all of the responsibility for the education and training of all handicapped children in the state become the responsibility of the department of education.

186-B:2 Appointment of Blind Services Administrator.

I. The state board of education shall appoint the director of blind services in the appropriate division, under the direct supervision of the chief of the division.

186-B:3 Program for Blind Established.

I. The department of education shall establish a program for the education, training, and vocational rehabilitation for the blind of all ages, whether or not they are eligible for aid to the needy blind under the division of welfare.

II. The department of education shall develop or cooperate with other agencies in providing services to the blind, including the locating of blind persons, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes and other services to blind persons. In connection with assistance to needy blind persons the department shall give due consideration to the special needs associated with the condition of blindness and, in cooperation with the division of welfare, department of health and welfare, shall: (a) promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance and providing for an examination by an ophthalmologist or physician skilled in diseases of the eye or by an optometrist, whichever the individual may select, in making the determination whether the individual is eligible and fixing the fee for such examination; (b) establish the procedure for securing competent medical examination; (c) designate or approve a suitable number of ophthalmologists or physicians skilled in diseases of the eye, and optometrists, who must be duly licensed or registered under the laws of this state and actively engaged in the practice of their professions, to examine applicants and recipients of aid to determine their eligibility

for assistance; (d) fix the fees to be paid for medical examination from funds available to the division.

186-B:4 Aid to the Blind. The department of education shall furnish aid to the blind of the state, as follows:

I. Register of Blind. The director for blind services, shall prepare and maintain a register of the blind in the state, which shall describe their condition, cause of blindness, capacity for education and industrial training, and such other data as he considers advisable.

II. Industrial Aid. The director for blind services shall act as a bureau of information and industrial aid for the blind, and for this purpose may furnish materials and tools to any blind person. He may assist blind persons engaged in home industries in marketing their products, in finding employment, and in developing home industries. He may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as are expedient. However, he shall not undertake the permanent support or maintenance of any blind person.

III. State Aid. The director for blind services, shall furnish assistance to such blind persons, in such amounts and at such asylums, schools, or other institutions designed for the purpose of industrial aid to the blind as the department of education directs.

IV. Instruction Outside State. The chief of the division at his discretion contribute to the support of the blind persons from New Hampshire receiving instruction in industrial institutions outside of the state. The furnishing of such assistance shall not affect the settlement of any person nor his right to vote.

V. Assistants to Aid Blind. The state board of education may appoint other officials and agents necessary to assist in carrying into effect the provisions of this chapter, subject to regulations of the state personnel commission.

186-B:5 Industrial Workshop and Homework Program.

I. The department of education is authorized to establish an industrial workshop and homework project to provide work training and gainful employment for the older blind of the state, with the intent to thereby qualify for federal grants.

II. The director of blind services in consultation with the division's facilities specialist, shall act as the director of the shop and homework project. Under his general direction there shall be a coordinator responsible for the organization and administration of the shop as well as for procuring subcontracts. There shall be a shop manager responsible for production and the day-to-day management of the shop. There shall be a home instructor who shall visit the homes of the blind and instruct them in the various production operations. There shall be a driver responsible for delivery work between the shop and the homes of the blind workers as well as performing all other trucking duties. There shall be a secretary-bookkeeper who shall keep all production records and act as a secretary to the shop staff.

186-B:6 Aid to the Blind; Transfer of Functions.

I. The functions and duties of furnishing aid to the blind, other than furnishing public assistance to the needy blind, performed by the division of welfare, department of health and welfare, are transferred to the department of education.

II. Wherever reference is made in the statutes to the blind services, to the bureau of blind services, to the state agency for the blind, to the supervisor of services to the blind, to the chief of blind services, or to any other agency furnishing aid to the blind other than an agency furnishing public assistance to the needy blind, the reference means the department of education.

186-B:7 Transfer of State Agency for Blind; Position Abolished. The position of state agent for the blind, sometimes known as chief of blind services, authorized in the division of welfare, department of health and welfare by RSA 167:40, is transferred to the department of education. Wherever reference is made in the statutes to the state agent for the blind or to the chief of the bureau of blind services, the reference means the director for blind services in the department of education.

186-B:8 Nesmith Fund. There shall be appropriated annually thirty-seven hundred dollars, less the annual income derived from the Nesmith trust fund, to comply with the terms of the trust under the will of John Nesmith. The thirty-seven hundred dollars shall be spent for the aid, support, maintenance and education of the indigent blind of the state of New Hampshire under the direction of the department of education.

34:2 Division of Welfare; Duties of Needy Blind. Amend RSA 161:2, V by striking out in lines one through six the words "develop or cooperate with other agencies in providing services to the blind, including the locating of blind persons, medical services for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, other services to blind persons, and a program for the prevention of blindness" and inserting in place thereof the words (In cooperation with the department of education) so that said paragraph as amended shall read as follows: V. Blind. In cooperation with the department of education, in connection with assistance to needy blind persons the division shall give due consideration to the special needs associated with the condition of blindness and shall: (a) promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance and providing for an examination by an ophthalmologist or physician skilled in diseases of the eye or by an optometrist, whichever the individual may select, in making the determination whether the individual is eligible and fixing the fee for such examination; (b) establish the procedure for securing competent medical examination; (c) designate or approve a suitable number of ophthalmologists or physicians skilled in diseases of the eye, and optometrists, who must be duly licensed or registered under the laws of this state and actively engaged in the practice of their professions, to examine applicants and recipients of aid to determine their eligibility for assistance; (d) fix the fees to be paid for medical examination from funds available to the division.

34:3 Transfer of Personnel.

I. All employees of the division of welfare, department of health and welfare, who are employed in providing aid to the blind under RSA 167:35 to 42 inclusive, including sections 37-a and 37-b, or in providing services to the blind under paragraph V of RSA 161:2, except those employees engaged in furnishing aid to the needy blind by reason of the eligibility for public assistance, are transferred to the department of education. The employees transferred under this section may not be placed in a lower labor grade or position than they held in the division of welfare, and under the provisions of the personnel statutes and rules and regulations, they may be placed in a higher labor grade.

II. The person holding the job of state agent for the blind authorized under RSA 167:40, also known as the director of blind services on the effective date of this act, is transferred to the department of education in a labor grade no lower than that held by the person in that position on the effective date of this act.

34:4 Repeal. RSA 167:35 as amended by 1961 222:1, relating to a register of blind persons, is hereby repealed.

34:5 Repeal. RSA 167:36, as amended by 1961, 222:1, relating to industrial aid for the blind, is hereby repealed.

34:6 Repeal. RSA 167:37, as amended by 1961, 222:1, relating to state aid to blind persons receiving instruction in schools and superceded by RSA 186-B:4, III, is hereby repealed.

34:7 Repeal. RSA 167:37-a (supp) and 167:37-b (supp) as inserted by 1965, 375:1, relating to the industrial workshop and homework program are hereby repealed.

34:8 Repeal. RSA 167:38 as amended by 1961, 222:1, relating to the support of blind persons in institutions outside the state, is hereby repealed.

34:9 Repeal. RSA 167:39, relating to the effect of aiding blind persons from this state in out-of-state institutions, is hereby repealed.

34:10 Repeal. RSA 167:40 as amended by 1961, 222:1, relating to a state agent for the blind, is hereby repealed.

34:11 Repeal. RSA 167:41 (supp) as amended by 1961, 222:1 and 1965, 352:14, relating to assistants for administering the program of aid to the blind, is hereby repealed.

34:12 Repeal. RSA 167:42, as amended by 1961, 141:1 and 1961, 222:1, relating to the appropriation and income from the John Nesmith trust fund for the indigent blind, is hereby repealed.

34:13 Personnel Standards. Amend RSA 161:4, II amended by 1961, 222:1 by inserting in line four between the words "the" and "blind" the word (needy) so that said paragraph as amended shall read as follows: II. Personnel Standards. Based upon the number of applicants and recipients in the localities, the director of the division of welfare shall determine the number of employees necessary for the administration of old age assistance,

aid to dependent children, and aid to the needy blind in all administrative units, state, county, and town, subject to the regulations of state personnel commission.

34:14 Public Assistance to Needy Blind, Settlement. Amend RSA 167:1 (supp) as amended by 1961, 271:1 and 1967, 396:1 by inserting in line two between the words "the" and "blind" the word (needy) so that said section as amended shall read as follows: **167:1 Settlement.** No person shall lose or be prevented from gaining a settlement because of receiving old age assistance, aid to the needy blind, aid to families with dependent children, aid to the permanently and totally disabled, or medical assistance under the provisions of this chapter or RSA 161.

34:15 Designations, Public Assistance to Needy Blind. Amend RSA 167:5 (supp) as amended by 1961, 271:2, 1967, 396:4 and 1969, 451:5 by inserting in line three between the words "the" and "blind" the word (needy) so that said section as amended shall read as follows: **167:5 Designations.** Assistance granted to needy aged persons shall be designated as old age assistance; assistance granted to needy blind shall be designated as aid to the needy blind; assistance granted to needy dependent children shall be designated as aid to families with dependent children; assistance granted to the needy permanently and totally disabled shall be designated as aid to the permanently and totally disabled; medical care and services provided individuals whose income and resources are insufficient to meet costs of necessary medical needs shall be designated as medical assistance. Assistance granted in these groups shall be in the form of money payments to or vendor payments in behalf of recipients and such separate records and accounts shall be kept and other requirements met as are necessary to qualify for grants-in-aid from the federal government.

34:16 Transfer of Records and Equipment. All of the records, documents, and equipment being used in the performance of the functions that are transferred from the division of welfare, department of health and welfare, to the department of education, by RSA 186-B:5 as inserted by this act are transferred to the possession of the department of education. If any of these records are necessary to the functions of furnishing aid to the needy blind by the division of welfare, the department of education may make copies of the records for its purposes.

34:17 Transfer of Appropriations.

I. The state treasurer shall separate all of the money in the state treasury available for use by the department of health and welfare for the training, education and vocational rehabilitation of the blind, including the administrative expenses of these functions, and including all appropriations for blind services, from the public assistance fund created by RSA 167:20 or any other account. The treasurer shall credit this money to the department of education.

34:18 Effective Date. This act shall take effect July 1, 1970.

[Approved May 4, 1970.]

[Effective date July 1, 1970.]

CHAPTER 35.

AN ACT RELATIVE TO THE BURDEN OF PROOF RELATING TO COMPARATIVE NEGLIGENCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

35:1 Burden of Proof as to Comparative Negligence. Amend RSA 507:7-a (supp) as inserted by 1969, 225:1 by adding at the end thereof the following: (The burden of proof as to the existence or amount of causal negligence alleged to be attributable to a party shall rest upon the party making such allegation. This section shall govern all actions arising out of injuries and other damages sustained on and after August 12, 1969, and none other) so that said section as amended shall read as follows: **507:7-a Comparative Negligence.** Contributory negligence shall not bar recovery in an action by any plaintiff, or his legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if such negligence was not greater than the causal negligence of the defendant, but the damages awarded shall be diminished, by general verdict, in proportion to the amount of negligence attributed to the plaintiff; provided that where recovery is allowed against more than one defendant, each such defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed. The burden of proof as to the existence or amount of causal negligence alleged to be attributable to a party shall rest upon the party making such allegation. This section shall govern all actions arising out of injuries and other damages sustained on and after August 12, 1969, and none other.

35:2 Effective Date. This act shall take effect upon its passage.

[Approved May, 1970.]

[Effective date May 4, 1970.]

CHAPTER 36.

AN ACT PROVIDING FOR MEDICAL FACILITIES AT THE INDUSTRIAL SCHOOL AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

36:1 State Industrial School. The sum not to exceed two hundred and fifty thousand dollars is hereby appropriated for a sixteen bed infirmary, dental facility and improved medical facilities at the state industrial school as follows: The sum of two hundred and ten thousand dollars for construction of the building, land preparation, architectural expenses and utility services; twenty-five thousand dollars for furnishings and equipment for the new facility. Said building shall be adjacent to the present boys cottage and shall consist of approximately six thousand square feet to include four bed

units for girls, eight bed units for boys, four isolation units, a dental office, medical office and equipment necessary therefor; and fifteen thousand dollars for a contingency fund. The sums hereby appropriated shall be expended under the direction of the trustees of the state industrial school. Said appropriation shall not be transferred or expended for any other purpose, but may be transferred within the line items in the appropriation.

36:2 Bonds Authorized. To provide funds for the appropriations made in section 1 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of two hundred and fifty thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for the projects authorized by this act shall be made when due from the general funds of the state.

36:3 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 37.

AN ACT RELATIVE TO THE ADMINISTRATION OF THE INSURANCE LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

37:1 Insurance Companies. Amend RSA 402 by inserting after section 57 (supp) the following new sections:

402:57-a General Premium Tax; Report.

I. Every authorized insurer and each formerly authorized insurer shall, on or before March 1 each year, or within any reasonable extension of time therefor which the commissioner may for good cause have granted on or before such date, file with the commissioner a report in such form as prescribed by the commissioner showing all gross direct premiums, including policy, membership, and other fees and assessments, policy dividends applied in payment for insurance, and all other considerations for insurance received by it during the next preceding calendar year on account of policies covering property, subjects, or risks located, resident or to be performed in this state after deducting from such total, return premiums or dividends actually returned or credited to policyholders.

(a) As to title insurers, the portion of the premium chargeable to title search and examination services as reasonably determined by the commissioner may be deducted from such total.

II. The report shall be verified by the oath or affirmation of the insurer's president, vice president, secretary, treasurer, or manager.

III. The commissioner may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

IV. Ocean marine premiums written for ocean marine insurance, as defined in RSA 402:59 shall not be taxed in accordance with this section, but shall be taxed in accordance with the provisions of RSA 402:59.

402:57-b Premium Tax. Collection; Minimum; Penalty.

I. Every insurer, coincidentally with filing of the report required by the above section, shall pay to the insurance commissioner a tax of two percent upon such net insurance premiums as set forth in said report less estimated payments made the preceding June 15th. Provided, however, every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of not less than two hundred dollars.

II. On or before June 15, 1970, and on or before June 15 each succeeding year, every authorized insurer required to pay a tax in accordance with paragraphs I and V of this section, shall pay to the insurance commissioner an amount equal to one-half of the previous calendar year's tax paid pursuant to said paragraphs. This payment shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

III. The taxes imposed in the above sections shall be promptly forwarded by the commissioner to the state treasurer to the credit of the general fund.

IV. Any insurer that willfully fails to file the report required by RSA 402:57-a or willfully fails to remit the proper tax within the time for filing, shall pay a penalty equal to ten percent of the amount of the tax due from it. Upon the tax becoming delinquent, the commissioner may forthwith suspend or revoke the insurer's certificate of authority.

V. The tax provided for in this section shall apply to the business of the year commencing January 1, 1970, and each year thereafter. The tax for business of the year ending December 31, 1969, shall be treated in accordance with the law in effect on December 31, 1969.

37:2 Minority Interests. Amend RSA 401-A (supp) as inserted by 1969, 292:1 by inserting after section 11 the following new section:

401-A:12 Plans for Acquisition of Minority Interests in Domestic Stock Insurance Companies.

I. Any parent corporation directly or indirectly owning at least ninety-five percent of the aggregate issued and outstanding shares of all classes of voting stock of a domestic stock insurance company may, pursuant to a plan for acquisition of minority interests in such subsidiary, acquire all of its remaining issued and outstanding shares of voting stock, by exchange of stock, other securities, cash, other consideration or any combination thereof.

II. The board of directors, trustees, or other governing body of the parent corporation may adopt a plan for the acquisition of minority interests in a subsidiary insurer. Every plan shall set forth:

(a) the name of the company whose shares are to be acquired;

(b) the total number of issued and outstanding shares of each class of voting stock of the company, the number of its shares owned by the parent

corporation and, if either of the foregoing is subject to change prior to the effective date of acquisition, the manner in which any change may occur;

(c) the terms and conditions of the plan, including the manner and basis of exchanging the shares to be acquired for shares or other securities of the parent corporation, for cash, other consideration, or any combination of the foregoing, the proposed effective date of acquisition and a statement clearly describing the rights of dissenting stockholders to demand appraisal;

(d) if the parent corporation is neither a domestic corporation nor an authorized insurer, its agreement to be bound by paragraph VI of this section and RSA 294:77 to 80 inclusive with respect to the plan, its consent to the enforcement against it in this state of the rights of stockholders pursuant to the plan, and a designation of the insurance commissioner as the agent upon whom process may be served against the parent corporation in the manner set forth in RSA 400:18 in any action or proceeding to enforce any such rights; and

(e) such other provisions with respect to the plan as the board of directors, trustees or other governing body deems necessary or desirable, or which the insurance commissioner may prescribe.

III. Upon adoption of the plan, it shall be duly executed by the president and attested by the secretary, or the executive officers corresponding thereto, under the corporate seal of the parent corporation. Thereupon, a certified copy of the plan, together with a certificate of its adoption subscribed by such officers and affirmed by them as true under the penalties of perjury and under the seal of the parent corporation, shall be submitted to the insurance commissioner for his approval. The insurance commissioner shall thereupon consider the plan and, if satisfied that it complies with this section, is fair and equitable and not inconsistent with law, he shall approve the plan. If the insurance commissioner disapproves the plan, notification of his disapproval, assigning the reasons therefor, shall be given in writing by him to the parent corporation. No plan shall take effect unless the approval of the insurance commissioner has been obtained.

IV. If the insurance commissioner approves the plan, the parent corporation shall deliver to each person who, as of the date of delivery, is a holder of record of stock to be acquired pursuant to the plan, a copy of the plan, or a summary thereof approved by the insurance commissioner, in person or by depositing the same in the post office, postage prepaid, addressed to the stockholder at his address of record. On or before the date of acquisition proposed in the plan, the parent corporation shall file with the insurance commissioner a certificate, executed by its president and attested by its secretary, or the executive officers corresponding thereto, and subscribed by such officers and affirmed by them as true under the penalties of perjury, and under the seal of the parent corporation, attesting to compliance by the parent corporation with this subdivision.

V. Upon compliance with this section, ownership of the shares to be acquired pursuant to the plan shall vest in the parent corporation on the date of acquisition proposed in the plan whether or not the certificates for such shares have been surrendered for exchange and the parent corporation shall be entitled to have new certificates registered in its name. Stockholders

whose shares have been so acquired shall thereafter retain only the right either to receive the consideration to be paid in exchange for their shares pursuant to the plan or to demand appraisal pursuant to paragraph VI.

VI. A stockholder whose stock is acquired pursuant to this section and who elects to dissent from such acquisition shall, by complying with this paragraph and with RSA 294:77 to 80 inclusive, have the right to receive payment in cash for the fair value of his shares, subject to final approval by the insurance commissioner, by filing a written notice of his election to dissent and a demand for payment to him for his stock at its fair value with the parent corporation within thirty days after the delivery to him of either a copy of the plan or a summary thereof, pursuant to paragraph IV. For purposes of this paragraph, the reference in RSA 294:77 to "the date of such sale, lease, exchange or change" shall be deemed to include the date of delivery of the plan or a summary thereof, as provided in paragraph IV.

37:3 New Chapter. Amend RSA by inserting after chapter 404-A the following new chapter:

Chapter 404-B

New Hampshire Insurance Guaranty Association

404-B:1 Title. This chapter shall be known and may be cited as the New Hampshire Insurance Guaranty Association Act.

404-B:2 Purpose. The purpose of this chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

404-B:3 Scope. This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

404-B:4 Construction. This chapter shall be liberally construed to effect the purpose under RSA 404-B:2 which shall constitute an aid and guide to interpretation.

404-B:5 Definitions. As used in this chapter:

I. "Account" means any one of the three accounts created by RSA 404-B:6;

II. "Association" means the New Hampshire Insurance Guaranty Association created under RSA 404-B:6;

III. "Commissioner" means the commissioner of insurance of this state;

IV. "Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this chapter applies issued by an insurer, if such insurer after the effective date of the act is declared insolvent by the superior court, and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this

state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

V. "Insolvent Insurer" means (a) an insurer authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) declared insolvent by a court of competent jurisdiction after the effective date of this act.

VI. "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under RSA 404-B:3, including the exchange of reciprocal or inter-insurance contracts, and (b) is licensed to transact insurance in this state, except mutual insurance companies that operate on an assessment plan and require as a condition for granting insurance the signing of a premium deposit note by the insured, which note is given for the purpose of establishing a limit of liability to assessment, while their total receipts from policyholders is less than ten thousand dollars per year.

VII. "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

VIII. "Person" means any individual, corporation, partnership, association or voluntary organization.

404-B:6 Creation of the Association. There is created a nonprofit unincorporated legal entity to be known as the New Hampshire Insurance Guaranty Association. All insurers defined as member insurers in RSA 404-B:5, VI shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under RSA 404-B:9 and shall exercise its powers through a board of directors established under RSA 404-B:7. For purposes of administration and assessment, the association shall be divided into three separate accounts: (a) the workmen's compensation insurance account; (b) the automobile insurance account; and (c) the account for all other insurance to which this chapter applies.

404-B:7 Board of Directors.

I. The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this chapter, the commissioner may appoint the initial members of the board of directors.

II. In approving selections to the board, the commissioner shall consider among other things whether all member insurers are fairly represented.

III. Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

404-B:8 Powers and Duties of the Association.

I. The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is less than three hundred thousand dollars except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy, provided however RSA 281:33 shall not apply to payments or settlements made pursuant to this chapter. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the three accounts separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under paragraph (a) above subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under RSA 404-B:13 and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than two percent of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be pro-rated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested.

(e) Notify such persons as the commissioner directs under RSA 404-B:10, II, (a).

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.

II. The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

(f) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

404-B:9 Plan of Operation.

I. The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.

II. If the association fails to submit a suitable plan of operation within ninety days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

III. All member insurers shall comply with the plan of operation.

IV. The plan of operation shall:

(a) Establish the procedures whereby all the powers and duties of the association under RSA 404-B:8 will be performed.

(b) Establish procedures for handling assets of the association.

(c) Establish the amount and method of reimbursing members of the board of directors under RSA 404-B:7.

(d) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another state by the receiver or liquidator.

(e) Establish regular places and times for meetings of the board of directors.

(f) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.

(g) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within thirty days after the action or decision.

(h) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner.

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

V. The plan of operation may provide that any or all powers and duties of the association, except those under RSA 404-B:8, I, (c) and II, (b), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this paragraph shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

404-B:10 Duties and Powers of the Commissioner.

I. The commissioner shall:

(a) Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency.

(b) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

II. The commissioner may:

(a) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall be paid to the association and shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

III. Any final action or order of the commissioner under this chapter shall be subject to judicial review in a court of competent jurisdiction.

404-B:11 Effect of Paid Claims.

I. Any person recovering under this chapter shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this chapter shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the association shall not operate to reduce the liability of insured's to the receiver, liquidator, or statutory successor for unpaid assessments.

II. The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this chapter against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

III. The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the rights of the association against the assets of the insolvent insurer.

404-B:12 Nonduplication of Recovery.

I. Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an insolvent insurer which is also a covered claim, shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of any recovery under such insurance policy.

II. Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, he

shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this chapter shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

404-B:13 Prevention of Insolvencies. To aid in the detection and prevention of insurer insolvencies:

I. It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.

II. The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with paragraph III. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

III. It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.

IV. The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

V. The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

VI. The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

404-B:14 Examination of the Association. The association shall be subject to examination and regulation by the commissioner. The board of

directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

404-B:15 Tax Exemption. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

404-B:16 Recognition of Assessments in Rates. The rates and premiums charged for insurance policies to which this chapter applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

404-B:17 Immunity. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this chapter.

404-B:18 Stay of Proceedings; Reopening of Default Judgments. All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this state shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. As to any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict or finding set aside by the same court or administrator that made such judgment, order, decision, verdict or finding and shall be permitted to defend against such claim on the merits.

37:4 Repeal.

I. RSA 402:57 (supp) as amended by 1969, 366:5 relative to fire, etc., insurance companies is hereby repealed.

II. RSA 402:61 relative to tax on life insurance companies is hereby repealed.

37:5 Fees. Amend RSA 402-B:8 (supp) as inserted by 1969, 218:1 by striking out in line three the word "chapter" and inserting in place thereof the word (title) so that said section, as amended, shall read as follows:

402-B:8 Fees. The commissioner of insurance shall collect the following fees, which shall be paid into a special fund, hereby created, for use by the commissioner in administering this title:

I. For each original insurance claims adjuster's license, fifteen dollars.

II. For each annual renewal, ten dollars.

37:6 Term; Renewals. Amend RSA 402-B:10 (supp) as inserted by 1969, 218:1 by striking out in line two the words "one year from the date of its issuance" and inserting in place thereof the words (on October first next after its issuance) so that said section, as amended, shall read as follows:

402-B:10 Term; Renewals. Each insurance claims adjuster's license shall expire on October first next after its issuance. Upon satisfactory proof of continued qualification and trustworthiness and the payment of the required fee, the commissioner shall without examination, unless required to show qualification and trustworthiness, renew the license of any licensee upon its expiration.

37:7 Term. Amend RSA 405:36 (supp) as amended by 1969, 366:8 by striking out said section and inserting in place thereof the following:

405:36 Term. A broker's license shall expire on October 1 of the second year after its issuance, unless sooner revoked by the commissioner.

37:8 Definition. Amend RSA 408:15, (1), (d) as amended by 1959, 176:1 by striking out said paragraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees:

37:9 Employee Insurance. Amend RSA 408:15 by inserting after paragraph (7) of the following new paragraph:

(8) Notwithstanding the above, any such policy or group life insurance issued pursuant to paragraphs one through seven may be extended to provide group life insurance for an employee, or other member of the group, his or her spouse, child or children, or other dependents.

37:10 Adoption of Assigned Risk. Amend RSA 412:19-a as inserted by 1961, 77:1 by striking out said section and inserting in place thereof the following:

412:19-a Adoption of Assigned Risk Plan. Every insurer authorized to transact in this state the business of motor vehicle bodily injury, motor vehicle property damage liability, physical damage, and medical payments insurance shall, as a condition precedent to the issuance or continuation of such authorization subscribe to and in every respect be bound by the rules of the New Hampshire Automobile Insurance Plan now in effect in this state and on file in the office of the insurance commissioner. Amendments to the Automobile Insurance Plan may be proposed from time to time by the insurance commissioner or by the subscribers to the plan. Amendments proposed by the insurance commissioner shall become effective and binding upon all subscriber companies unless disapproved in writing filed with the insurance commissioner not more than thirty days after their proposal by at least ten percent of all the subscribers writing not less than twenty percent of the direct premiums for motor vehicle insurance in the state. Amendments proposed by the subscribers shall be submitted to the insurance commissioner through the manager of the plan and shall not become effective until approved by the insurance commissioner.

37:11 Uninsured or Hit-and-Run Motor Vehicle Coverage. Amend RSA 268:15-a, II (supp) as inserted by 1967, 284:2 and amended by 1969, 485:1, 2, by inserting at the end thereof the following: (In the event of such insolvency, and if no other insurance applies, uninsured motorist coverage

shall provide for no less than five thousand dollars coverage for injury to or destruction of property in any one accident) so that said paragraph, as amended, shall read as follows:

II. For the purpose of this coverage, the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be extended to and include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. In the event of such insolvency, and if no other insurance applies, uninsured motorist coverage shall provide for no less than five thousand dollars coverage for injury to or destruction of property in any one accident.

37:12 Classified Personnel. There are hereby created the following listed classified positions in addition to any other classified positions authorized in the insurance department, at no less labor grade than that respectively herein specified: one fire and casualty actuary labor grade 34, one life actuary labor grade 34, one insurance examiner labor grade 26, one senior rate analyst labor grade 25, two clerk stenographers III labor grade 8.

37:13 Charge for Salaries of New Positions. The funds for the payment of the salaries of the classified positions established by section 12 of this act are hereby appropriated for the fiscal years ending June 30, 1970, and June, 30, 1971, and said appropriation shall be a charge against the salary adjustment fund.

37:14 Certificate. Amend RSA 421:16 by striking out the entire section and inserting in place thereof the following new section:

421:16 Certificate. Upon registration of any dealer, a certificate shall be issued. The certificate shall in all respects be in such form as the Commissioner may determine, and shall state in bold type that the Commissioner does not recommend and assumes no responsibility for, securities offered by the dealer. Certified copies of this certificate shall be furnished to the dealer at five dollars each.

37:15 Changes in Certificate. Amend RSA 421:17 by striking the entire section and inserting in place thereof the following new section:

421:17 Changes in Certificate. Changes in certificate necessitated by changes in the name of the licensee may be made at any time upon written application to the commissioner, accompanied by a statement of the facts necessitating the change, upon payment of \$25.

37:16 Registration Required. Amend RSA 421:18 by striking out in line 1 the words "salesman or agent" and inserting in place thereof the word (individual) so that said section, as amended, shall read as follows:

421:18 Registration Required. No individual shall in this state, in behalf of any dealer, sell, offer for sale, or invite offers for or inquiries about securities unless registered as a salesman or agent of such dealer under the provisions of this chapter.

37:17 New Subdivision. Amend RSA 400 by inserting after section 26 the following subdivision:

Advisory Committee

400:27 Advisory Committee Established. There is hereby established the New Hampshire Advisory Committee on Insurance Matters. The committee shall have ten members from which a chairman shall be annually elected. The committee shall consist of the following persons:

I. The insurance commissioner and his deputy;

II. The chairman of the senate committee on banks, insurance and claims or his designee and the chairman of the house committee on banks and insurance or his designee;

III. One person appointed annually by each of the three following organizations:

New Hampshire Association of Independent Insurance Agents

Independent Mutual Agents of New England

New Hampshire State Association of Life Underwriters

IV. Three persons appointed annually by the presidents of New Hampshire domiciled life, property and liability insurance companies.

400:28 — Duties of Committee. The committee shall upon the call of the insurance commissioner, or the chairman, consult with, advise, and assist the commissioner in preparing any proposed legislation or regulations. The committee in its recommendations, shall have the objective of assisting the commissioner in achieving

1. An acceptable insurance environment for rendering to the public maximal insurance service by agents and companies,

2. An open market for the insurance-buying public,

3. Recognition that the business is, and should continue, competitive rather than monopolistic,

4. Adequate authority for the insurance department to regulate the business in the public good, and equitably to all sectors of the industry,

5. Legislative proposals which have been tempered and matured by group analysis prior to presentation to the legislature, so they may enjoy the widest opportunity for general support.

37:18 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 38.

AN ACT AUTHORIZING THE ISSUANCE OF MOTOR VEHICLE REGISTRATION PLATES OF WHATEVER DURATION THE DIRECTOR PROVIDES, CORRECTING AN ERROR IN THE APPROPRIATION FOR SAFETY SERVICES, MAKING ADDITIONAL APPROPRIATIONS FOR SNOWMOBILES AND INITIAL PLATES, ESTABLISHING THE POSITION OF ASSISTANT TO THE DIRECTOR OF MOTOR VEHICLES, AND REDUCING THE APPROPRIATION TO SAFETY SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

38:1 Multi-Year Registration Plates. Amend RSA 260:9 by inserting at the end thereof the following: (Such plate or plates shall be furnished by him yearly or at whatever interval of years, not to exceed five years, he shall determine. In all cases such plate or plates shall bear on the face thereof a permanent or changeable designation of their effective period) so that said section as amended shall read as follows: **260:9 Number Plates.** The director shall furnish at his office without charge, to every person whose motor vehicle is registered a number plate or plates of suitable design. Such plate or plates shall be furnished by him yearly or at whatever interval of years, not to exceed five years, he shall determine. In all cases such plate or plates shall bear on the face thereof a permanent or changeable designation of their effective period.

38:2 Safety Services Appropriation. Amend the appropriation for the division of safety services for the fiscal year ending June 30, 1971, as provided in 1969, 291:3 by inserting before the total appropriation the following line:

Key punch operators (2)	7,650.24
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38:3 Appropriation; Snowmobile Section. In addition to any other funds appropriated for the snowmobile section of the division of motor vehicles there are hereby appropriated the following amounts for the fiscal year ending June 30, 1970:

Personal services (other)	\$4,000
Current expenses	3,000
Travel, in state	500

Total	\$7,500
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For the fiscal year ending June 30, 1971.

Personal services (other)	\$4,200
Current expenses	3,000
Travel, in state	500

Total	\$7,700
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The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

38:4 Appropriation 1970; Initial Motor Vehicle Plates. Amend 1969, 367:4 by striking out the appropriation for initial plate fund in the depart-

ment of safety, division of motor vehicles and inserting in place thereof the following:

Initial plate fund:

Personal services:

Permanent \$ 16,675

Current expenses 17,500

Travel:

In state 1,000

Out of state 500

Equipment 40

Other expenditures:

Oasi, retirement, blue cross and insurance 1,389

Drivers assistance* 200,000

Local police training school 4,000

Total \$241,104

Less estimated revenue** 241,104

Net appropriation for initial plate fund 0

*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

**Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1970, shall not lapse but shall be carried forward to July 1, 1970.

38:5 Appropriation 1971; Initial Motor Vehicle Plates. Amend 1969, 368:4 by striking out the appropriation for initial plate fund in the department of safety, division of motor vehicles and inserting in place thereof the following:

Initial plate fund:

Personal services:

Permanent \$ 17,055

Current expenses 18,000

Travel:

In state 1,000

Out of state 500

Equipment 2,000

Other expenditures:

Oasi, retirement, blue cross and insurance 1,504

Drivers assistance* 200,000

Local police training school 4,000

Total \$244,059

Less estimated revenue and balance** 244,059

Net appropriation for initial plate fund 0

*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

**Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1971, shall not lapse but shall be a carry forward to July 1, 1971.

38:6 Limitation on Initial Number Plates Removed. Amend RSA 260:10-a as inserted by 1957, 8:1 by striking out in line three the word "passenger" so that said section as amended shall read as follows: **260:10-a Initial Number Plates.** The director is hereby authorized to design and to issue, under such regulations as he shall deem appropriate, initial number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. The number plates herein provided for shall be issued only upon application therefor, and upon payment of a service fee of five dollars; said service fee to be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle.

38:7 Assistant to Director of Motor Vehicles. Amend RSA 106-A:8 as amended by 1961, 166:3 by inserting after paragraph II the following new paragraph: III. An assistant to the director of motor vehicles, who shall carry out such duties as may be assigned to him by the director. The annual salary of said assistant shall be that prescribed in RSA 94:1-4.

38:8 Salaries 1970. Amend RSA 94:1 (supp), as amended, by inserting in proper alphabetical order the following new line:

Assistant to director of motor vehicles	11,449	13,227
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38:9 Salaries 1971. Amend RSA 94:1-a (supp), as amended, by inserting in proper alphabetical order the following new line:

Assistant to director of motor vehicles	12,322	14,226
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38:10 Appropriation, Division of Motor Vehicles 1970. Amend 1969, 367:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "Permanent 264,855" and inserting in place thereof the following: (Permanent 277,855), by striking out the line "Total \$658,595" and inserting in place thereof the following: (Total \$671,595), by striking out the line "Total for division of motor vehicles \$772,100" and inserting in place thereof the following: (Total for division of motor vehicles \$785,100) and by striking out the line "Less transfer from highway funds 772,100" and inserting in place thereof the following: (Less transfer from highway funds 785,100).

38:11 Appropriation, Division of Motor Vehicles 1971. Amend 1969, 368:4 in the appropriation for the department of safety, division of motor vehicles, administration, other personal services by striking out the line "Permanent 267,654" and inserting in place thereof the following: (Permanent 280,654), by striking out the line "Total \$661,103" and inserting in place thereof the following: (Total \$674,103), by strik-

ing out the line "Total for division of motor vehicles \$777,163" and inserting in place thereof the following: (Total for division of motor vehicles \$790,163) and by striking out the line "Less transfer from highway funds 777,163" and inserting in place thereof the following: (Less transfer from highway funds 790,163).

38:12 Appropriation, Division of Safety Services 1971. Amend 1969, 368:4 in the appropriation for department of safety, division of safety services, other personal services by striking out the line "Permanent 177,-177" and inserting in place thereof the following: (Permanent 164,-177), by striking out the line "Total \$442,394" and inserting in place thereof the following: (Total \$429,394), by striking out the line "Less transfer from highway fund 287,556" and inserting in place thereof the following: (Less transfer from highway fund 279,106) and by striking out the line "Net appropriation for division of safety services 154,-838" and inserting in place thereof the following: (Net appropriation for division of safety services 150,288).

38:13 Appropriation, Safety and Driver Education, Board of Education. Amend 1969, 368:4 by striking out the appropriation for safety and driver education in the appropriation for board of education and inserting in place thereof the following:

For safety and driver education:

Personal services:

Permanent	\$18,980
Current expenses	1,000
Equipment	200

Travel:

In state	1,000
Out of state	300

Other expenditures:

Oasi, retirement, insurance	1,257
Curriculum development, conferences and workshops	1,000

Total	\$23,737
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Less transfer from department of safety, initial plate fund	11,868
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Less estimated federal funds	11,869
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Net appropriation

0

38:14 Effective Date. This act shall take effect upon its passage.
[Approved May 4, 1970.]
[Effective date May 4, 1970.]

CHAPTER 39.

AN ACT RELATIVE TO SALARIES OF CARROLL COUNTY ATTORNEY, CARROLL COUNTY TREASURER, SALARIES OF CERTAIN COUNTY OFFICIALS OF BELKNAP COUNTY AND AUTHORIZING COUNTIES TO ESTABLISH HIGHWAY SAFETY PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

39:1 Carroll County Attorney; Salary Change. Amend RSA 7 by inserting after section 35-c (supp) as inserted by 1969, 490:2 the following new section: **7:35-d Carroll County Attorney.** The annual salary of the Carroll county attorney shall be established by the Carroll county convention prior to each biennial primary election at a rate of not less than three thousand dollars and shall become effective on January 1 following said election.

39:2 Repeal. RSA 7:35, II, (supp) as inserted by 1969, 30:1, relative to the salary of Carroll county attorney is hereby repealed.

39:3 County Treasurer. Amend RSA 29 by inserting after section 15 (supp) the following new section: **29:16 Carroll County Treasurer.** The annual salary of the Carroll county treasurer shall be established by the Carroll county convention prior to each biennial primary election at a rate of not less than seven hundred and fifty dollars and shall become effective on January 1 following said election.

39:4 Repeal. RSA 29:14, II (supp) as inserted by 1969, 30:2, relative to the salary of the Carroll county treasurer, is hereby repealed.

39:5 Belknap County. Amend RSA 7 by inserting after section 35-d (supp) as inserted by this act, the following new section: **7:35-e Belknap County Attorney.** The annual salary of the Belknap county attorney shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county attorney in each biennial primary election at a rate of not less than three thousand dollars and shall become effective on January 1 following said election.

39:6 Repeal. RSA 7:35, I, (supp) as inserted by 1969, 30:1, and amended 1969, 152:1, relative to the salary of Belknap county attorney is hereby repealed.

39:7 County Treasurer. Amend RSA 29 by inserting after section 16 (supp) as inserted by this act the following new section: **29:17 Belknap County Treasurer.** The annual salary of the Belknap county treasurer shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county treasurer in each biennial primary election at a rate of not less than seven hundred and fifty dollars and shall become effective on January 1 following said election.

39:8 Repeal. RSA 29:14, I, as inserted by 1969, 30:2, relative to the salary of Belknap county treasurer, is hereby repealed.

39:9 Change in Salaries. Amend RSA 28 by inserting after 28-c (supp) the following new section: **28:28-d Belknap County Commissioners.** The

annual salary of each of the Belknap county commissioners shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for county commissioner in each biennial primary election at a rate of not less than fifteen hundred dollars and shall become effective on January 1 following said election.

39:10 Repeal. RSA 28:28, I, as inserted by 1969, 30:3 relative to the salary of Belknap county commissions, is hereby repealed.

39:11 Belknap County Sheriff. Amend RSA 104:29, VII as inserted by 1967, 201:1 by striking out said paragraph and inserting in place thereof the following: VII. In Belknap the annual salary of the sheriff shall be established by the Belknap county convention upon recommendation of the executive committee, prior to the first day for filing as a candidate for sheriff in each biennial primary election at a rate of not less than nine thousand dollars, and said salary shall be payment in full for all his services to said county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

39:12 Belknap County Register of Deeds. Amend RSA 478:30 as inserted by 1967, 151:2 by striking out said section and inserting in place thereof the following: **478:30 Salary.** The annual salary, and/or a percentage of fees, of the register of deeds for Belknap county shall be established by the Belknap county convention, upon recommendation of the executive committee, prior to the first day for filing as a candidate for register of deeds in each biennial primary election, at an amount and rate of not less than six thousand five hundred dollars plus ten percent of the total fees collected by him and said salary and/or percentage of fees shall become effective January 1 following said election. Said salary shall be paid in equal monthly installments.

39:13 Local Highway Safety Programs. Amend RSA 239-B:6 (supp) as inserted by 1967, 333:1 by inserting after the word "towns" in lines one and two the word (counties) so that said section as amended shall read as follows: **239-B:6 Local Highway Safety Programs.** The towns, counties and cities are hereby authorized to establish highway safety programs. Towns, counties and cities implementing highway safety programs approved by the governor in accordance with the Highway Safety Act of 1966 are eligible for reimbursement of federal funds apportioned to this state for such programs.

39:14 Effective Date. The provisions of sections 1, 3, 5, 7, 9, 11 and 12 of this act authorizing the Carroll county and Belknap county conventions to establish salaries for certain county officials shall take effect upon the

passage of this act. The salaries established for said county officials under this act and the provisions of sections 2, 4, 6, 8 and 10 shall take effect as of January 1, 1971. The provisions of section 13 of this act shall take effect sixty days after the passage of this act.

[Approved May 4, 1970.]

[Effective date Sections 1, 3, 5, 7, 9, 11 and 12 shall take effect May 4, 1970; Sections 2, 4, 6, 8 and 10 shall take effect January 1, 1971; Section 13 shall take effect July 3, 1970.]

[Salaries established pursuant to sections 1, 3, 5, 7, 9, 11 and 12 shall take effect January 1, 1971.]

CHAPTER 40.

AN ACT MAKING APPROPRIATIONS FOR THE TREATMENT AND PREVENTION OF ALCOHOL AND DRUG ABUSE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

40:1 Appropriation; Division of Public Health. The following sums are appropriated in the budget of the division of public health services of the department of health and welfare in addition to any other sums appropriated for said division for the fiscal year 1971 in order to implement the program of alcohol and drug abuse as established by RSA 172.

	1971	
Permanent personal services		
3 senior psychiatric social workers	29,268	
6 psychiatric social workers	50,670	
1 field consultant	7,724	
1 clerk stenographer II	4,485	
Total		92,147
Other personal services		
medical fees	3,000	
psychiatric fees	6,000	
social research	1,260	
Total		10,260
Current expense		
supplies	1,580	
publications and archives	1,310	
telephone	1,570	
postage	1,040	
patient subsistence	10,000	
Total		15,500

Travel		
in-state	1,000	
out-of-state	1,200	
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Total		2,300
Equipment		
10 executive desks and chairs at \$295	2,950	
1 secretary desk and chair	250	
9 lamps	173	
9 filing cabinets	810	
1 typewriter	495	
	<hr/>	
Total		4,678
		<hr/>
Grand Total		\$124,885

40:2 Appropriation; Department of Education. The following sums are appropriated in the department of education, in addition to any other sums appropriated for said department for the fiscal year 1971 in order to implement the program of drug and alcohol abuse control as established by RSA 172.

	1971	
Personal services:		
consultant	13,832	
clerk stenographer II	5,414	
	<hr/>	
		19,246
Current expenses		1,900
Equipment		1,530
Travel:		
in-state	900	
out-of-state	300	
	<hr/>	
		1,200
Employee benefits		1,279
Teacher workshop and conference		2,500
		<hr/>
Grand Total		27,655

40:3 Appropriation; Division of State Police. The following sums are appropriated in the budget of the division of state police of the department of safety in addition to any other sums appropriated for said division for said fiscal years in order to implement the program of drug and alcohol abuse control as established by RSA 172.

	1970	1971
	April 1-June 30	
I. Control and Investigation of		
Drugs		
Personal services — Class I		
	15,685.40	68,062.28

Current expense:		
Class II	1,735.00	4,950.00
Equipment		
Class III		
motor vehicles	5,000.00	10,000.00
mobile radios		3,200.00
misc.	2,000.00	1,000.00
	<hr/>	<hr/>
	7,000.00	14,200.00
Other personal services		1,000.00
Retirement, Blue		
Cross, etc.	475.33	5,110.00
Travel:		
In state	2,000.00	21,350.00
Out-of-state		2,500.00
Procuring evidence	400.00	1,500.00
	<hr/>	<hr/>
Total (I)	27,295.73	118,672.28
II. Drug Identification (Laboratory)		
Equipment		
Class III		
1 gas chromatographic	10,000.00	
1 chemical supplies	1,500.00	
	<hr/>	
	11,500.00	
Personal services		
1 chemist II		7,839.00
1 lab technician		5,379.40
1 clerk steno II		4,716.00
		<hr/>
		17,934.40
Current expense		3,100.00
Equipment*		9,000.00
*The department of safety is authorized to receive and utilize federal funds, gifts or grants from any person or association which may be made available for this purpose.		
Other personal services		1,200.00
Retirement, Blue Cross, etc.		768.51
Travel		
In-state		500.00
Out-of-state		800.00
	<hr/>	<hr/>
Total II	11,500.00	33,302.91
Grand Total	38,795.73	151,975.19

40:4 Appropriation. Amend Laws of 1969, chapter 501:8 by striking out in lines two and three the words "sixty-two thousand five hundred dollars for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (thirty thousand dollars for the fiscal year ending June 30, 1970 and the sum of fifteen thousand dollars for the fiscal year ending June 30, 1971). Further amend said section by striking out in lines four, five and six, the words "seven thousand five hundred dollars is appropriated in the budget of the department of education for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971;" Further amend said section by striking out in lines nine through twelve the words "forty thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971" and inserting in place thereof the words (fifteen thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970). Further amend said section by striking out in line thirteen the word "education" so that said section as amended shall read as follows:

501:8 Appropriation. There is hereby appropriated the sum of thirty thousand dollars for the fiscal year ending June 30, 1970 and the sum of fifteen thousand dollars for the fiscal year ending June 30, 1971. Of these sums fifteen thousand dollars is appropriated in the budget of the division of public health services of the department of health and welfare for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971; fifteen thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970. The commissioners of health and welfare and safety are directed with the approval of governor and council, to budget these sums in order to most effectively achieve the purposes of this act.

40:5 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 41.

AN ACT CLARIFYING THE STATUTE RELATIVE TO MANAGEMENT-EMPLOYEE
RELATIONS AT THE UNIVERSITY OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

41:1 Separate Commissions. Amend RSA 98-C:1, III (supp) as inserted by 1969, 290:1 by striking out said paragraph and inserting in place thereof the following:

III. "Commission" shall mean:

(a) For all employees except nonacademic employees of the university of New Hampshire but as to said nonacademic employees for them in all

matters relative to rules and regulations governing elections and in cases of appeals regarding voter eligibility three persons, namely, the chairman of the state personnel commission (or some other member of such commission when designated by him), the commissioner of labor (or his deputy when designated by him), and the secretary of state (or his deputy when designated by him);

(b) For nonacademic employees of the university of New Hampshire, in all matters except as otherwise provided in paragraph (a) above, three persons, namely, the university vice president-treasurer (or his designate), a person chosen by the nonacademic employees, a person mutually agreed upon by the other two.

41:2 Separate Directors. Amend RSA 98-C:1, IV (supp) as inserted by 1969, 290:1 by striking out said paragraph and inserting in place thereof the following:

IV. "Director" shall mean:

(a) For all employees except nonacademic employees of the university of New Hampshire the director of personnel or his deputy as provided in RSA 98;

(b) For nonacademic employees of the university of New Hampshire the university personnel officer unless the president of the university of New Hampshire shall designate an alternate officer to serve.

41:3 Presentation to Management. Amend RSA 98-C:2 (supp) as inserted by 1969, 290:1 by inserting in line nine after the word "director" the following words (or in the case of nonacademic employees of the university of New Hampshire, including, without limitation, the presentation of its views to the president of the university of New Hampshire, the cognizant president of the state colleges, the board of trustees of the university of New Hampshire through its personnel committee, the commission or the director) so that said section as amended shall read as follows: **98-C:2 Employee Rights.** Employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization, or to refrain from any such activity. Except as hereinafter expressly provided, the freedom of such employees to assist any employee organization shall be recognized as extending to participation in the management of such employee organization and acting for such organization as its representative, including, without limitation, presentation of its views to the governor, the governor and council, the legislature, the commission or the director, or in the case of nonacademic employees of the university of New Hampshire, including, without limitation, the presentation of its views to the president of the university of New Hampshire, the cognizant president of the state colleges, the board of trustees of the university of New Hampshire through its personnel committee, the commission or the director. The head of each department or agency and the appointing authority shall take such action, consistent with law, as may be required to assure that no interference, restraint, coercion or discrimination is practiced within such department or agency to discourage or encourage membership in any employee organization or to discourage or hinder the free exercise of the rights of employees hereunder. Provided that the rights described in this section do not extend to participation in the management of an em-

ployee organization or acting as its representative where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

41:4 Certification of Election Results. Amend RSA 98-C:3, III (supp) as inserted by 1969, 290:1 by inserting in line twelve after the word "organization" the following words (In the case of the commission relative to the nonacademic employees of the university of New Hampshire, said commission shall certify its election results to the president of the college involved and the employee organization) so that said paragraph as amended shall read as follows: III. If an employee organization claims the right to act as exclusive representative for any employees, it may file a petition with the commission setting forth its claims and describing the unit for which it claims the right of exclusive representation. No such petition may be considered unless it is supported by the signatures of at least twenty-five percent of the employees in the claimed unit or one hundred employees, whichever is less. The commission shall investigate such petition and may, upon due notice, conduct a hearing on the appropriateness of the unit. If the commission finds that the unit claimed or some other unit or units are appropriate and that a question of representation of such unit or units exists, it shall direct an election by secret ballot in such unit or units and shall certify the results thereof to the governor and the employee organization. In the case of the commission relative to the nonacademic employees of the university of New Hampshire, said commission shall certify its election results to the president of the college involved and the employee organization. The conduct of such elections shall be under the supervision of the director and shall be in accordance with regulations issued by the commission. The petitioners shall have the right to be heard on the question of election procedure. The director shall determine all questions of eligibility to vote, subject to the right of appeal to the commission. Upon the filing of a petition with the commission signed by twenty-five percent or more of the employees in the unit alleging that they desire to revoke a prior selection of an employee organization as exclusive representative, the commission shall likewise direct an election by secret ballot and shall certify the results thereof. No election shall be directed in any unit within which, in the preceding two-year period, a valid election shall have been held.

41:5 Prohibition Against Infringement. Amend RSA 98-C:4, II (supp) as inserted by 1969, 290:1 by inserting in line five after the words "pursuant thereto" the following words (In the case of nonacademic employees of the university of New Hampshire, no such agreement shall infringe upon the rights of the individual employees and the policies governing such employees as established by the board of trustees of the university of New Hampshire and administrative regulations issued by it) so that said paragraph as amended shall read as follows: II. Every such agreement shall contain a no-strike clause which shall survive the term of the agreement and remain in effect until a new agreement is negotiated covering the same employees. No such agreement shall infringe upon the rights of individual employees under RSA 98 and the regulations issued pursuant thereto. In the case of nonacademic employees of the university of New Hampshire, no such agreement shall infringe upon the rights of the individual employees

and the policies governing such employees as established by the board of trustees of the university of New Hampshire and administrative regulations issued by it. Such agreement shall at all times be subject to existing or future laws and all valid regulations adopted pursuant thereto. Every such proposed agreement shall be approved as to form and legality by the attorney general or his deputy or assistant prior to its execution.

41:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 42.

AN ACT PROVIDING FOR AN EXEMPTION FROM MOTOR VEHICLE REGISTRATION FEE FOR CERTAIN DISABLED VETERANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

42:1 Exemption of Amputee Veterans. Amend RSA 260:28 by striking out said section and inserting in place thereof the following: **260:28 Exemption of Amputee Veterans.** No fee shall be charged for permit to register a motor vehicle owned by a veteran of world wars I or II, the Korean conflict, or the Vietnam conflict who, because of being an amputee, paraplegic or having suffered loss or use of a limb from a service connected cause, as certified by the United States veterans administration, has received said motor vehicle from the United States government, or cash settlement in lieu thereof.

42:2 Motor Vehicles. Amend RSA 262:1, XIII by striking out said paragraph and inserting in place thereof the following: XIII. No fee shall be charged for registering a motor vehicle owned by a veteran of world wars I or II, the Korean conflict, or the Vietnam conflict who, because of being an amputee, paraplegic or having suffered loss or use of a limb from a service connected cause, as certified by the United States veterans administration, has received said motor vehicle from the United States government, or cash settlement in lieu thereof, and no fee shall be charged for registering a motor vehicle with special equipment which said amputee, paraplegic or disabled veteran may acquire to replace one received from the United States government.

42:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 43.

AN ACT INCREASING THE APPROPRIATION FOR THE SOUTHWESTERN STATE PARK; PROVIDING APPROPRIATIONS FOR THE FLUME DISPOSAL SYSTEM, PURCHASE OF LAND ADJACENT TO THE ROBERT FROST HOMESTEAD, AND FOR THE MOUNT WASHINGTON COMMISSION; EXTENDING THE TIME FOR THE EXPENDITURE OF FUNDS FOR CERTAIN PARK PROJECTS; AND LAPSING THE BALANCE REMAINING IN THE PAWTUCKAWAY REIMBURSEMENT FUND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

43:1 Additional Appropriation. Amend Laws of 1961, 263:5-a as inserted by 1965, 281:22 and amended by 1967, 394:18 and 1969, 506:2 by striking out said section and inserting in place thereof the following: **263:5-a Additional Appropriations.** In addition to the sums specified in section 5 the following sums are appropriated for the purposes indicated:

Southwestern state park	\$1,500,000
Cannon mountain project	800,000
Connecticut lakes study	25,000
Rye harbor project	7,000
Shelburne basin project	10,000
Sunapee ski lift	500,000
Ossipee lake	400,000
Planning	250,000
Flume disposal system	47,223
Total	\$3,539,223
Less: Federal funds	1,769,612
	\$1,769,611
Additional state funds	163,000
Robert Frost Homestead, land	38,000
	\$1,970,611

The appropriation for each of the above individually specified projects may not be expended unless participating federal funds are available for that specific project, provided that of the appropriation for additional state funds in the amount of \$163,000, \$125,000 may be used for any expenses for the above programs for which federal funds are not available and the remaining \$38,000 shall be expended by the Mount Washington commission to carry out its duties pursuant to Laws of 1969, chapter 427.

The individual project appropriations as provided above shall not be transferred or expended for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

The appropriation provided by this section shall be available for expenditure until June 30, 1972.

43:2 Bonds or Notes Authorized. Amend Laws of 1961, 263:6 as amended by 1965, 281:23 and 1967, 394:19 by striking out the same and inserting

in place thereof the following: **263:6 Bonds or Notes Authorized.** For the purpose of providing funds necessary for the appropriations made by sections 5 and 5-a, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow on the credit of the state from time to time, a total of ten million, nine hundred seventy thousand, six hundred eleven dollars for the purpose of carrying into effect the provisions hereof and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity date of such bonds or notes shall be determined in each case by the governor and council but in no case shall they be later than 1990.

43:3 Lapse of Pawtuckaway Reimbursement Fund. The entire so-called Pawtuckaway reimbursement fund, which was placed in escrow with the state treasurer by the governor and council on December 29, 1969, in the approximate amount of \$184,264, plus interest, is hereby lapsed into the general funds of the state.

43:4 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 44.

AN ACT INCREASING THE SALARIES OF CLASSIFIED EMPLOYEES, TEMPORARY AND SEASONAL EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR; MAKING AN APPROPRIATION FOR SALARY INCREASES OF NONACADEMIC EMPLOYEES AT UNH; REQUIRING APPROVAL OF THE FISCAL COMMITTEE FOR SALARY ADJUSTMENTS OF UNCLASSIFIED OR CLASSIFIED EMPLOYEES; PROVIDING FOR A STUDY OF COST-OF-LIVING INCREASES OF STATE EMPLOYEES BY THE SALARY STUDY COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

44:1 Salaries Increased. Amend RSA 99:1 (supp) as amended by 1957, 274:1; 1961, 221:1; 1965, 73:1; 1967, 353:1; 1969, 500:1 by striking out said section and inserting in place thereof the following: **99:1 Salaries Established.** The salary ranges for all classified employees shall be established retroactive to April 3, 1970 as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	4005.82	4122.56	4238.26	4355.00	4470.44
2	4112.68	4228.64	4344.08	4459.52	4575.22
3	4218.76	4334.20	4448.60	4564.04	4679.74
4	4287.14	4436.90	4589.52	4768.66	4958.98
5	4429.36	4620.46	4839.61	5058.82	5278.00
6	4604.08	4823.26	5042.70	5261.88	5481.06
7	4836.00	5090.02	5344.30	5598.06	5852.08

8	5039.06	5293.08	5553.08	5801.12	6055.14
9	5241.86	5496.14	5750.16	6004.18	6258.20
10	5450.64	5699.20	5953.22	6212.44	6553.56
11	5647.98	5902.26	6166.68	6544.98	6922.76
12	5943.60	6299.80	6656.00	7012.20	7368.40
13	6133.40	6531.20	6934.20	7334.60	7735.00
14	6528.60	6944.60	7360.60	7776.60	8192.60
15	6890.00	7321.60	7753.20	8187.40	8619.00
16	7129.20	7579.00	8028.80	8476.00	8928.40
17	7371.00	7839.00	8304.40	8769.80	9235.20
18	7724.60	8218.60	8712.60	9206.60	9700.60
19	8078.20	8598.20	9120.80	9643.40	10163.40
20	8444.80	8967.40	9492.60	10017.80	10543.00
21	8811.40	9339.20	9867.00	10392.20	10920.00
22	9284.60	9893.00	10501.40	11107.20	11718.20
23	9755.20	10387.00	11018.80	11648.00	12282.40
24	10225.80	10881.00	11536.20	12191.40	12846.60
25	10998.00	11707.80	12415.00	13122.20	13832.00
26	11375.00	12097.80	12823.20	13546.00	14268.80
27	11752.00	12490.40	13228.80	13967.20	14708.20
28	12149.80	12927.20	13704.60	14482.00	15259.40
29	12550.20	13364.00	14180.40	14994.20	15810.60
30	12950.60	13803.40	14656.20	15509.00	16364.40
31	13928.20	14814.80	15704.00	16590.60	17479.80
32	14905.80	15828.80	16749.20	17672.20	18595.20
33	16094.00	17110.60	18127.20	19141.20	20157.80
34	17284.80	18392.40	19502.60	20610.20	21720.40

44:2 Appropriations. Amend Laws of 1969, 500:3 by striking out said section and inserting in place thereof the following: **500:3 Appropriations.** There are hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for classified state employees as provided for herein, the following sums: \$2,078,932.00 from the general funds of the state, \$1,233,058.00 from highway funds, \$114,200.00 from fish and game funds, \$380,846.00 from federal funds, \$71,787.00 from self-sustaining funds and \$52,482.00 from recreation funds. For the fiscal year ending June 30, 1971 there are hereby appropriated the following sums: \$3,402,625.00 from general funds of the state, \$1,939,133.00 from highway funds, \$175,113.00 from fish and game funds, \$595,437.00 from federal funds, \$108,051.00 from self-sustaining funds and \$79,868.00 from recreation funds.

44:3 Appropriations for Temporary and Seasonal. Amend the Laws of 1969, 500:4 by striking out said section and inserting in place thereof the following: **500:4 Appropriations for Temporary and Seasonal.** There is hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for temporary and seasonal employees as provided herein the following sums: \$130,087.00 from general funds of the state, \$88,674.00 from highway funds, \$14,919.00 from self-sustaining funds and \$2,331.00 from fish and game funds. For fiscal year ending June 30, 1971 there are hereby appropriated for said salary increases the following sums: \$208,141.00 from general funds of the state, \$141,842.00 from highway funds, \$23,872.00 from self-sustaining funds, and \$3,732.00 from fish and game funds.

44:4 Change in Date. Amend RSA 99:3 (supp) as amended by 1957, 274:2; 1961, 221:2; 1965, 73:2; 1967, 353:4 and 1969, 500:5 by striking out said section and inserting in place thereof the following: **99:3 Increase in Salary.** Classified employees of the state as of April 3, 1970 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scale set forth in RSA 99:1. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

44:5 Repeal. RSA 99:1-a as inserted by 1969, 500:2 relative to establishing salary ranges commencing on June 26, 1970 is hereby repealed.

44:6 Appropriations for Retirement and Oasi. There are hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal 1970 and fiscal 1971 the following sums:

	Fiscal 1970	Fiscal 1971
General fund	\$50,250	\$24,750
Highway fund	30,586	10,405
Fish and Game fund	2,744	716
Federal	9,314	3,297
Self-sustaining	2,475	11,700
Recreation	1,330	423
	<hr/> \$96,699 <hr/>	<hr/> \$51,291 <hr/>

44:7 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1971 the sum of one hundred and forty-four thousand four hundred and thirty-nine dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the salaries of the nonacademic employees on the following campuses and in the following amounts: University of New Hampshire \$113,754.00, Keene state college \$14,749.00 and Plymouth state college \$15,936.00. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

44:8 Fiscal Committee; Unclassified Positions. Amend RSA 94:3-b (supp) as inserted by 1969, 500:15 by inserting in line three after the word "authority" the words (approved by the fiscal committee of the general court) so that said section as amended shall read as follows: **94:3-b Salary Adjustment for Recruitment or Retention.** Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority approved by the fiscal committee of the general court, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

44:9 Fiscal Committee; Classified Positions. Amend RSA 98 by inserting after section 17-b the following section: **98:17-c Reclassification of Positions**

or Increases Beyond The Grade 34. Any request for reclassification of position to a different class series as provided in RSA 98:17-a or request to increase the salaries of a classified position beyond grade 34 as provided in RSA 99:8 shall require the approval of the fiscal committee of the general court before it is submitted to the governor and council for its approval.

44:10 Study of Cost-of-Living Adjustments. The advisory committee established to study the salaries of state officials and employees by 1961, 221:16 is hereby directed to study the problem of automatic salary adjustments for state officials and employees to provide them with cost-of-living adjustments. It shall include in its report due on or before December 1, 1970 its findings and recommendations on this matter.

44:11 Effective Date. Sections 1, 2, 3, 4, 5 shall take effect retroactive to April 3, 1970; sections 6, 7, 8, 9 and 10 shall take effect upon passage.

[Approved May 4, 1970.]

[Effective date: Sections 1, 2, 3, 4, and 5 effective April 3, 1970. Sections 6, 7, 8, 9, and 10 effective May 4, 1970.]

CHAPTER 45.

AN ACT RELATIVE TO THE PURCHASE, SALE, STORAGE, LARCENY AND
TRANSPORTATION OF EXPLOSIVES AND MAKING AN APPROPRIATION THEREFOR,
AND FOR TAXIWAY FOR TWIN MOUNTAIN AIRPORT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

45:1 Purchase, Sale, Transportation. Amend RSA 158 by inserting after section 9 the following new subdivision:

License to Purchase, Store, and Transport

158:9-a Acts Unlawful.

I. No person shall purchase, store, or transport or attempt to purchase, store or transport any high explosive without first obtaining a license therefore as provided in RSA 158:9-b.

II. No person shall sell any high explosive to another unless the purchaser exhibits a license to purchase obtained as provided in in RSA 158:9-b. In such case, the seller shall record the name and address of the purchaser, the license number, the date of the sale, the type and quantity of explosive sold, the serial number of said explosive, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

III. No person shall store or keep any high explosive unless such explosive is stored or kept under lock and key or in a safe, secure place.

IV. Notwithstanding the provisions of paragraph I, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9-b.

V. Notwithstanding the provisions of paragraph II, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may purchase the same in the name of his employer if said employer has obtained a license in its name as provided in RSA 158:9-b. In such case, the seller shall record the name, address and license number of the employer, the name and address of the employee, the date of the sale, the type and quantity of explosive, the serial number of the explosive sold, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of two years.

VI. For the purposes of this section, the term "high explosive" shall mean and include dynamite, any explosive compound of which nitroglycerin forms a part, fulminate in bulk or dry condition, blasting caps, detonating fuses, blasting powder or other similar explosive but shall not include black powder used in sporting rifles.

158:9-b Application. The selectmen of a town or the mayor or chief of police of a city, or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to store, purchase and transport explosives in this state for not more than one year from the date of issue, if it appears that the applicant has any proper purpose and that the applicant is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the person issuing the same for three years. The license shall be issued within seven days after application therefor, and, if such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the person to whom application was made.

158:9-c Fees and Disposition.

I. The fee for licenses issued to residents of the state shall be two dollars, which fee shall be for the use of the law enforcement department of the town or city granting such licenses.

II. The fee for licenses issued to non-residents shall be four dollars, which fee shall be deposited as unrestricted general fund revenue.

158:9-d License Forms. The director of state police is hereby authorized and directed to prepare forms for the licenses required by RSA 158:9-a and to supply the same to the officials of the cities and towns authorized to issue said licenses. The cost of said forms shall be paid out of the fees received from nonresident licenses.

158:9-e Penalties.

I. Any person convicted of violating the provisions of RSA 158:9-a, I and II shall be fined not more than one thousand dollars or imprisoned not more than five years, or both.

II. Any person convicted of violating the provisions of RSA 159:9-a, III shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

III. Any person convicted of larceny of any high explosive as defined in 158:9-a, VI shall be fined not more than one thousand dollars or imprisoned not more than five years or both.

45:2 Appropriation. There is hereby appropriated the sum of five hundred dollars to be expended by the director of state police for the initial cost of the forms required by RSA 158:9-d. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

45:3 Special Appropriation. The sum of two thousand dollars is hereby appropriated to be expended by the aeronautics commission for taxiway construction at the Twin Mountain Airport provided the same amount is made available for the same purpose from local funds. The state appropriation hereunder shall be deemed to be a part of the appropriation for capital improvements under 1969, 505:1, III and the bond issue provided by 1969, 505:8 shall be increased by the amount of this additional appropriation, namely two thousand dollars.

45:4 Effective Date. RSA 158:9-a as inserted by section 1 of this act shall take effect July 1, 1970 and the remainder of this act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date: RSA 158:9-a as inserted by section 1 shall take effect July 1, 1970, and the remainder of this act shall take effect May 4, 1970.]

CHAPTER 46.

AN ACT RELATIVE TO THE GOVERNOR'S OFFICE STAFF, EMPLOYMENT OF A COUNSEL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

46:1 Staff. Amend RSA 4:12 by striking out the same and inserting in place thereof the following: **4:12 Governor's Staff.** The governor may appoint such staff, including but not limited to legal counsel, professional persons, consultants, assistants, secretaries, stenographers, and clerks, as he shall need who shall render such services as the governor may require of them. He shall fix their compensation within the limits of the appropriation made therefor, provided however that the annual compensation of the legal counsel shall not exceed nineteen thousand thirty-two dollars. The limitation placed upon the salary of the legal counsel shall not be construed to make the person filling said office an unclassified employee but he shall be in the same status as all other employees of the governor's office.

46:2 Repeal. RSA 4:13 relative to gubernatorial secretaries and clerical assistants is hereby repealed.

46:3 Effective Date. This act shall take effect July 1, 1970.

[Approved May 4, 1970.]

[Effective date July 1, 1970.]

CHAPTER 47.

AN ACT RELATIVE TO THE DEPARTMENT OF CENTRALIZED DATA PROCESSING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

47:1 Powers of Department. Amend RSA 8-C:1 (supp) as inserted by 1967, 253:1 by striking out the same and inserting in place thereof the following:

8-C:1 Department Established — Purposes and Powers. There is hereby created the department of centralized data processing. It shall have the purposes and powers to:

I. establish and operate a central data processing agency to serve all other departments and agencies of the state;

II. to provide more efficient, expeditious, timely, and complete handling of needed and essential data, and to that end shall:

(a) establish automated data processing procedures and facilities;

(b) formulate a current and long-range data processing plan through studies of the needs of state agencies for data processing services and recommend priorities for the implementation of programs;

(c) administer state data processing centers;

(d) advise the state personnel board on qualifications and wage standards for data processing personnel;

(e) establish which of the state's data processing facilities or equipment shall be used for specific data processing services and recommend and approve the location and equipment and construction and equipping of all data processing facilities;

(f) establish standards governing the choice of state data processing equipment;

(g) prescribe standards governing data processing systems work, programming methods, and the form of input data where data is processed by the department;

(h) advise the governor and legislature on data processing matters;

(i) perform data processing services for agencies of the state;

(j) other provisions of law notwithstanding, give prior approval to any rentals, purchases, programming costs, inter-departmental and/or regional agreements or consulting fees relative to data processing; and

(k) perform such other acts as may be required for the effective performance of the department's duties.

47:2 Powers of Director. Amend RSA 8-C:7 (supp) as inserted by 1967, 253:1 by striking out the last sentence thereof so that said section as amended shall read as follows: **8-C:7 Powers and Duties of the Director.** The director shall have the power to organize, establish, and operate the department and employ necessary personnel for the purposes thereof, including, with the approval of governor and council, the employment of consultants

and the power to make contracts with qualified persons to carry out specific projects relative to the operation of the department.

47:3 Authority Clarified. Amend RSA 8:13-a (supp) as inserted by 1967, 253:4 by striking out the same and inserting in place thereof the following: **8:13-a Data Processing.** The director of accounts shall handle and carry on the system of accounts and reports of financial transactions prescribed by him for all departments and agencies of the state, and the records of funds received, and the systems of central state accounting records and encumbrance accounting on data processing equipment established and approved by the director of data processing and in the form and employing such forms and methods of processing the data, as approved by the director of data processing, that will make use of the most advanced and economical techniques applicable to available equipment.

47:4 Federal Rules. Amend RSA 8-C (supp) as inserted by 1967, 253:1 by inserting after section 9 the following new section: **8-C:10 Federal Exceptions.** If any department or agency of the state is advised by the federal government that its data processing equipment or its forms, methods or techniques in utilizing said equipment does not comply with any federal rule, regulation or law, then the governor and council may authorize the department or agency to alter its data processing equipment or its forms, methods or techniques to comply with any such rule, regulation or law. Automated data processing facilities and equipment of any department or agency of the state paid for completely by federal funds shall be utilized to the fullest extent permitted by federal rule, regulation, or law for the general benefit of the state for applications not in conflict with other provisions of this chapter, and all data in said equipment which by federal rule, regulation or law must not be kept confidential shall be made available by any such department or agency to all state agencies including the department of centralized data processing, to the maximum extent permitted by federal rule, regulation or law in a form approved by the department of centralized data processing except that in the case of the department of employment security such form shall be approved jointly by the department of centralized data processing and the department of employment security. Any dispute arising between any such department or agency and any other state agency as to the utilization requested by the department of centralized data processing of said facilities, equipment and data shall be resolved by the governor.

47:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 48.

AN ACT TO REGULATE THE SALE OF HYPODERMIC SYRINGES, NEEDLES OR LIKE INSTRUMENTS, MAKING THE POSSESSION OF A POUND OF MARIJUANA A FELONY, AND RELATIVE TO THE SESSIONS, CLERK, ENTRY FEES, AND REPORTS OF THE SUPREME COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

48:1 Sale of Hypodermic and Like Instruments. Amend RSA 318:52 by striking out the same and inserting in place thereof the following:

318:52 Hypodermics. Hypodermic syringes, needles or any instrument adapted for the administration of controlled drugs by injection shall not be sold except in registered drug stores. The pharmacist shall keep a record of:

I. Name and address of the purchase,

II. Date of purchase,

III. A description of the instrument and the number of instruments purchased.

IV. The information contained in paragraphs I, II and III shall be at all times open to inspection by the division of public health in the department of health and welfare.

48:2 Destruction Required. Amend RSA by inserting after 318:52-a the following new section:

318:52-b Destruction of Used Instruments. It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of controlled drugs to dispose of or discard any such instrument without first making the instrument inoperable for further use.

48:3 Penalties. Amend RSA 318-B:26 (supp) as inserted by 1969, 421:1 by inserting after paragraph I (b) the following new paragraph: (c) possesses or has under his control, one pound or more of any cannabis-type drug, shall for a first offense be imprisoned not more than five years, or fined not more than two thousand dollars, or both, and for each subsequent offense be imprisoned for not more than ten years, or fined not more than five thousand dollars, or both.

48:4 Supreme Court. Amend RSA 490:6 by striking out said section and inserting in place thereof the following: **490:6 Sessions.** There shall be one general term of the supreme court in each year, to be held in Concord, and the justices, unless they shall order otherwise, shall be in attendance on the first Tuesday of the months of January, February, March, April, May, June, September, October, November, and December, for the purpose of hearing arguments, making orders, rendering decisions and filing opinions.

48:5 Clerk. Amend RSA 490:19 by striking out said section and inserting in place thereof the following: **490:19 Clerk.** The court shall appoint a clerk, who shall be removable at pleasure. He shall perform all the duties herein specifically required of him and such other duties as usually apper-

tain to that office. He shall give bond to the state in such sum as the court shall direct, conditioned for the faithful performance of his duties. His salary, as prescribed by statute, shall be in full compensation for the performance of all duties as clerk.

48:6 Distribution to General Fund. Amend RSA 490:24 by striking out the same and inserting in place thereof the following: **490:24 Entry Fees.** For the benefit of the general fund of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court.

48:7 Reporter. Amend RSA 505:12 by striking out the same and inserting in place thereof the following: **505:12 Salary.** The annual salary of the reporter, as prescribed by statute, shall be in full compensation for the performance of all duties as reporter.

48:8 Establishment of Fees. Amend RSA 505 by inserting after section 12 the following new section: **505:13 Fees.** For the benefit of the general fund of the state, there shall be paid to the reporter for any service rendered by the reporter, such fees as shall from time to time be established by the court.

48:9 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 49.

AN ACT RELATIVE TO THE REAL ESTATE COMMISSION AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

49:1 Compensation. Amend RSA 331-A:1-a (supp) as inserted by 1967, 329:1 and amended by 1969, 461:1 by striking out in lines eleven and twelve the words "serve without compensation, but shall be paid the expenses necessarily" and inserting in place thereof the words (receive twenty-five dollars for each day actually engaged in the duties of the office, and shall be reimbursed for all actual traveling) so that said section as amended shall read as follows: **331-A:1-a Commission, Appointments, Terms, Compensation.** The New Hampshire Real Estate Commission, hereinafter called the commission, is hereby created, whose duty it shall be to administer the provisions of this chapter. The commission shall consist of five members who shall be appointed and may be for cause removed by the governor, with the advice and consent of the council. Each member of the commission shall serve for a term of five years and until his successor is duly appointed, provided that the first appointments shall be for one, two, three, four and five

years. Any vacancy shall be filled by appointment for the unexpired term. The commission shall select one from its number to be chairman. Each member of the commission shall receive twenty-five dollars for each day actually engaged in the duties of the office, and shall be reimbursed for all actual traveling incurred by him in the discharge of his official duties. Henceforth, whenever the statutes refer to the New Hampshire Real Estate Board, it shall mean the commission established herein.

49:2 Qualifications. Amend RSA 331-A:1-b (supp) as inserted by 1967, 329:1 and amended by 1969, 461:3 by striking out said section and inserting in place thereof the following: **331-A:1-b Qualifications.** Each member of the commission shall be a citizen of the United States and a resident of this state for at least six years prior to his appointment. At least one member shall be an attorney-at-law, and no more than three members shall be real estate brokers whose vocation shall have been that of a real estate broker.

49:3 Examination Required. Amend RSA 331-A:4-a (supp) as inserted by 1963, 269:2 and amended by 1967, 329:3 and 1969, 461:6 by striking out in line two after the word "any" the word "resident", by striking out in line seven after the words "given to" the word "resident" and by striking out in lines nine, ten, and eleven the words "A similar examination shall be required of non-residents unless they have qualified in the state of their residence by passing such an examination" so that said section as amended shall read as follows: **331-A:4-a Examination.** The commission shall not issue an original salesman's or broker's license to any applicant therefor unless and until such applicant shall have satisfactorily passed a reasonable written examination as to his qualifications to act as such broker or salesman. The examination shall be in such form as may be prescribed by the commission and shall be administered by the commission which shall cause the examination to be given to applicants at least four times annually. The commission is authorized to publish and distribute printed material indicating the scope of the examination and suggested sources of study. A fee of fifteen dollars shall be paid for each examination. The commission is authorized to expend from its receipts for examination fees the sum of five dollars per applicant taking the examination for the purpose of engaging a qualified testing service to be selected by the commission to prepare, structure, administer and conduct the examination under the direction of the commission. The commission shall notify each applicant who takes said examination the results thereof within thirty days of the examination.

49:4 Qualifications for Examination. Amend RSA 331-A:4-c, IV as inserted by 1969, 461:8 by striking out said paragraph and inserting in place thereof the following: IV. No application to take the examination for a broker's license shall be accepted unless the applicant shall have served at least one year as a licensed real estate salesman in this state or another state, or shall have furnished to the commission proof of experience equivalent thereto.

49:5 Special Fund. Amend RSA 331-A:5 (supp) as amended by 1959, 222:1; 1965, 319:3; and 1969, 461:11 by striking out said section and inserting in place thereof the following:

331-A:5 Fees. The following fees shall be charged and collected by the commission and shall be paid into the general fund of the state treasury:

I. For each original broker's license a fee of twenty-five dollars, and for each biennial renewal thereof, a fee of twenty dollars.

II. For each original salesman's license a fee of fifteen dollars, and for each biennial renewal thereof, a fee of ten dollars.

III. For each duplicate license, a fee of three dollars.

IV. For each license amendment a fee of three dollars, and for each certificate showing whether a person has been licensed as a broker or salesman a fee of one dollar.

V. For each check returned for insufficient funds or any other reason a service charge of three dollars.

49:6 Biennial Renewal. Amend RSA 331-A:5-a (supp) as inserted by 1963, 269:1 and amended by 1969, 461:12 by striking out in line two the word "annual" and inserting in place thereof the word (biennial) and by striking out in line three the word "annual" and inserting in place thereof the word (biennial) so that said section as amended shall read as follows:

331-A:5-a Lapse of License. If any licensee under this chapter shall permit his biennial license to lapse for a period of thirty days after its expiration by failure to renew his biennial license during such period, his license shall be deemed to have lapsed; and such person thereafter may obtain a license only by qualifying anew as an original licensee must do and paying the required fee for an original license; provided, however, that the commission may renew any license after it has lapsed for good cause shown. Approximately thirty days before the expiration of each license, the commission shall notify each licensee of this fact by mail, enclosing also a renewal blank.

49:7 Nonresidents Qualifications. Amend RSA 331-A:6 (supp) as amended by 1959, 222:1 and 1969, 461:14 by striking out said section and inserting in place thereof the following: **331-A:6 Nonresidents.** A non-resident of this state may become a real estate broker or a real estate salesman in this state by conforming to all of the conditions of this chapter applicable to residents of this state, providing he has held a license in his own state as such broker or salesman for at least one year preceding the date of his application in this state and maintains a fixed and definite place of business in his own state. On making application such nonresidents may substitute for the required affidavits, proof that they are licensed brokers or salesmen in another state, and shall file an irrevocable consent and power providing that legal actions may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside, by service of process or pleading authorized by the laws of this state, on a member of the commission or its executive director, the consent or power stipulating that such service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the nonresident in this state.

49:8 Transcript. Amend RSA 331-A:7 (supp) as amended by 1959, 222:1; 1961, 213:2; and 1969, 461:17 by inserting in line twenty-two after the word "appropriated" the words (The commission is authorized to

charge the broker or salesman a reasonable fee for any copies of said transcript furnished him) so that said section as amended shall read as follows: **331-A:7 Suspension or Revocation of License.** Full power to revoke or suspend licenses granted under the provisions of this chapter shall be vested in the commission subject to the provisions of review by the superior court upon seasonable appeal as set forth in this provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with his business as such broker or salesman. The commission shall give the licensee at least fourteen days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation and the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determinations, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within two days after filing thereof. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee, within thirty days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

49:9 Appropriation. There is hereby appropriated the sum of three hundred seventy five dollars for fiscal year 1970 and the sum of fifteen hundred dollars for fiscal year 1971, to be expended by the real estate commission for the purposes of per diem compensation for members thereof. This appropriation shall be in addition to all other appropriations for the real estate commission. The governor is authorized to draw his warrants for said sums which shall be a charge against the real estate licensing fund.

49:10 Special License. Whereas, Helen M. Foss has given many years of dedicated service to the State of New Hampshire, and whereas, the legislature finds that she is well qualified in the field of real estate as exhibited by

her many years as executive director of the real estate commission, and notwithstanding the provisions of RSA 331-A:4-a, the New Hampshire real estate commission is hereby authorized to issue a real estate broker's license to the said Helen M. Foss without examination.

49:11 Discretionary Licenses. Amend RSA 331-A (supp) by inserting after section 8-a the following new section: **331-A:9 Discretionary License.** The commission is authorized and empowered on a finding by it that a person is in its opinion fully qualified and that it would carry out the purpose and intent of this chapter and that it would be in the public interest to waive examination requirements, to issue a broker or salesman license to an applicant who is so qualified.

49:12 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 50.

AN ACT PROVIDING FOR A TEN PERCENT CHARGE ON COLLECTIONS MADE BY
THE PROBATION DEPARTMENT ON ARREARAGE PAYMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

50:1 Repeal. The notes to the appropriations for the board of probation in Laws of 1969, 367:4 and Laws of 1969, 368:4 relative to five percent of monthly collections being transferred to the general fund are hereby repealed.

50:2 Collection of Service Charge. Amend RSA 504 by inserting after section 17 the following new section: **504:18 Service Charge for Collections.** To all of the collections of arrearages made by the board of probation pursuant to a capias writ shall be added a service charge of ten percent. The monies collected pursuant to such service charge shall be forwarded by the tenth of the following month for deposit as general fund unrestricted revenue.

50:3 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 51.

AN ACT PERMITTING A SCHOOL DISTRICT TO PROVIDE CHILD BENEFIT SERVICES TO PUPILS IN PUBLIC AND NONPUBLIC SCHOOLS; PROVIDING FOR STATE GRANTS TO DISTRICTS HAVING DUAL ENROLLMENT, OR CHILD BENEFIT SERVICES; PROVIDING FOR STATE GUARANTEES OF BUILDING COSTS TO DISTRICTS HAVING DUAL ENROLLMENT OR WHOSE ENROLLMENT IN PUBLIC SCHOOLS HAS INCREASED BY AT LEAST TEN PERCENT OR MORE IN ANY ONE YEAR; INCREASING THE STATE GUARANTEE OF BUILDING COSTS TO COOPERATIVE SCHOOL DISTRICTS; CONTINUING THE NON-PUBLIC SCHOOL STUDY COMMISSION; AND MAKING APPROPRIATIONS FOR ALL THE ABOVE.

Whereas, it is the policy of the state that all elementary and secondary school children should have available to them equal opportunity for a quality education, and

Whereas, it is recognized that in many areas of the state nonpublic schools have traditionally provided such quality education, and

Whereas, it is therefore essential that money and assistance be provided by the state to those districts where nonpublic schools may close and to those where dual enrollment is approved.

Be it Enacted by the Senate and House of Representatives in General Court convened:

51:1 School Boards. Amend RSA 189 by inserting after section 48 (supp) the following new subdivision:

Child Benefit Services

189:49 Optional Services. The school board of any school district may provide the following child benefit services for pupils in each public and nonpublic school in the district:

- I. School physician services under the provisions of RSA 200:15-25.
- II. School nurse services.
- III. School health services.
- IV. School guidance and psychologist services.
- V. Educational testing services.

189:50 Appropriations. A town may raise and appropriate money to carry the provisions of this subdivision into effect.

51:2 Dual Enrollment Grants. Amend RSA by inserting after RSA 198:20 the following new subdivision:

Dual Enrollment Grants

198:21 Grants.

I. Any school district which has in operation an approved dual enrollment agreement under the provisions of RSA 193:1-a shall be granted for the first school year that such agreement is in operation the full operational costs of implementing such agreement, exclusive of any part of the cost and carrying charges of any capital improvements; and for the next succeeding school year, if such operation is then continued, one half of such costs.

II. Application for any such grant shall be submitted by a district to the state board of education no later than the July first preceding the start of the school year for which it shall be applicable, provided that the board may, for good cause shown, accept any such application up to but no later than the start of the applicable school year.

III. The board shall determine what costs shall be allowed in computing the amount of any grant, and shall make payments of such grants from the funds appropriated therefor.

IV. In the event that for any year insufficient sums are available to pay grants in full as provided by this section to all qualified applying school districts the state board of education shall prorate such grants so that all such districts receive the same proportion.

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be included in average daily membership for the purposes of foundation aid or counted for the purposes of grants pursuant to RSA 198:22.

51:3 Appropriation; Dual Enrollment. There is hereby appropriated the sum of six hundred thousand dollars for the purposes of section 2 of this act. This sum shall lapse on June 30, 1972.* The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

*This section was amended by 1970, 56:28.

51:4 Service Grants. Amend RSA by inserting after RSA 198:21 as inserted by section 2 of this act the following new subdivision:

Child Benefit Service Grants

198:22 Grants.

I. Any school district which is providing any child benefit service pursuant to the authority of RSA 189:49 and 50 shall be granted the following proportion of the costs, exclusive of any part of the cost and carrying charges of any capital improvements, of providing such service to any student who regularly attends a nonpublic school within the district for more than one half each school day:

(a) Not more than seventy percent of such cost of any such service.

II. Application for any grant provided for in paragraph I shall be submitted by a district to the state board of education no later than the August first following the end of the school year for which it shall be applicable.

III. The board shall determine what costs shall be allowed in computing and the amount of any grant, and shall make payments of such grants from the funds appropriated therefor.

IV. In the event that for any year insufficient sums are available to pay grants in full as provided by this section to all qualified applying school districts the state board of education shall prorate such grants so that all such districts receive the same proportion thereof.

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be included in average daily membership for the purposes of foundation aid or counted for the purpose of grants pursuant to RSA 198:21.

51:5 Appropriation; Services. There is hereby appropriated the sum of seven hundred thousand dollars for the purposes of section 4 of this act. This sum shall lapse on June 30, 1972.* The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

*This section was amended by 1970, 56:28.

51:6 Transfer of Appropriations. The state board of education may transfer any money appropriated by sections 3 and 5 of this act from the section by which it is appropriated to the other of said sections and such transfer shall constitute an appropriation of any such transferred sum for the purposes of the section to which it is transferred.

51:7 Enlarging Duties of the School Building Authority. Amend RSA 195-C:1, II (supp) as inserted by 1967, 154:1 by striking out the same and inserting in place thereof the following: II. It shall be the duty of the authority to consider and investigate all applications of: (a) receiving districts under area school plans (RSA 195-A), (b) cooperative school districts (RSA 195), (c) a school district which has in operation or which plans to put in operation for the next school year an approved dual enrollment agreement under the provisions of RSA 193:1-a, and (d) a school district which the state board of education has certified has had an increase in the enrollment in its public schools of ten percent or more in any one year, for awards of state guarantees with respect to borrowings authorized by such districts for school projects involving the construction, enlargement or alteration of school buildings, and to make written report thereon to the governor and council. If the authority finds that a school project will be of public use and benefit and that the amount of the authorized borrowing appears to be within the financial means and available resources of the school district making the application, the authority may include in its report a recommendation that a state guarantee be awarded on a split issue basis with respect to a specific amount of the bonds or notes of the district or that a state guarantee be awarded on a declining balance basis with respect to a specific percentage of each of such bonds or notes. In determining what amount or percentage to recommend under the provisions of this chapter the authority shall consider the need for the project in comparison with the need for other projects throughout the state and the capacity of the state to guarantee indebtedness within the limits contained in this chapter.

51:8 State Guarantee. Amend RSA 195-C:2 (supp) as inserted by 1967, 154:1 by striking out in line three the words "or cooperative school district" and inserting in place thereof the following (cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year) so that said section as amended shall read as follows: **195-C:2 State Guarantee.** Upon the receipt of a report from the authority containing a recommendation that bonds or notes of a receiv-

ing district, cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year should be guaranteed by the state, the governor with the advice and consent of the council may award an unconditional state guarantee with respect to such bonds or notes in accordance with the authority's recommendation or in some lesser amount or percentage, or on the alternative basis of guarantee, as the best interests of the state may require. The full faith and credit of the state are and shall be pledged for any such guarantees, and the total outstanding amount of the principal of and interest on such bonds and notes which has been guaranteed by the state under this section shall at no time exceed twenty million dollars. The governor, with the advice and consent of the council, is authorized to draw his warrant on the state treasurer from any funds in the treasury, which have not otherwise been appropriated, for the purpose of honoring any guarantee awarded under this section. In the event that any state funds shall be so used, the state may recover the amount thereof as provided in RSA 530.

51:9 Split Issue Limitation. Amend RSA 195-C:3 (supp) as inserted by 1967, 154:1 by striking out in lines ten and eleven the words "guaranteed portion of the total authorized borrowing shall not exceed one half" and inserting in place thereof the following (dual enrollment district, or district whose enrollment has increased ten percent or more in any one year the guaranteed portion of the total authorized borrowing shall not exceed seventy-five percent thereof); by striking out in line twenty-one the words "the percentage of"; and by striking out in line twenty-three the words "the percentage of" and inserting in place thereof the words (three times) so that said section as amended shall read as follows: **195-C:3 Definition and Limit of Split Issue Guarantee.** An award of a state guarantee on a split-issue basis under section 2 of this chapter shall specify the face amount of the bonds or notes which shall comprise the guarantee portion of the total authorized borrowing, and such guarantee shall be applicable with respect to that amount of the bonds or notes and interest thereon. In the case of a receiving district the guaranteed portion of the total authorized borrowing shall not exceed the proportionate share of such borrowing which is attributable to the sending district or districts as determined by the state board of education under RSA 195-A:7; and, in the case of a cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, the guaranteed portion of the total authorized borrowing shall not exceed seventy-five percent thereof. Bonds or notes bearing a state guarantee awarded on a split-issue basis shall be offered and sold at public sale, after such advertisement as the school board deems appropriate, as a separate and distinct issue from any issue of bonds or notes which are not guaranteed by the state. All state guaranteed bonds or notes issued to finance a particular project shall be made payable no later than the payment date of the last maturing unguaranteed bond or note which is issued to finance the same project. The bonds or notes comprising the guaranteed portion of an authorized borrowing and the bonds or notes comprising the unguaranteed portion of an authorized borrowing may be issued from time to time, provided that the guaranteed portion which shall have been issued at any time shall not exceed three times the unguaranteed portion which shall then have been issued. The state's guarantee shall be

evidenced on each guaranteed bond or note by an endorsement signed by the state treasurer in substantially the following form:

The State of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest of the within (bond) (note) and for the performance of such guarantee the full faith and credit of the State are pledged.

.....
State Treasurer

51:10 Declining Balance Limitation. Amend RSA 195-C:4 (supp) as inserted by 1967, 154:1 by striking out in lines eleven and twelve the words "such percentage shall not be more than fifty percent," and inserting in place thereof the following (dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, such percentage shall not be more than seventy-five percent) so that said section as amended shall read as follows: **195-C:4 Definition and Limit of Declining Balance Guarantee.** An award of a state guarantee on a declining balance basis under section 2 of this chapter shall specify the percentage of the guarantee, and such guarantee shall be applicable in such percentage with respect to any amount of a bond, note or coupon comprising the authorized borrowing which the issuing district is unable to pay or refuses to pay upon the presentation of such bond, note or coupon. In the case of a receiving district this percentage shall not exceed the percentage of the total authorized borrowing which is attributable to the sending district or districts as determined by the state board of education under RSA 195-A:7; and, in the case of a cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year, such percentage shall not be more than seventy-five percent. The bonds or notes comprising an authorized borrowing guaranteed on a declining balance basis may be issued from time to time and may be sold at public or private sale. The State's guarantee shall be evidenced on each bond or note by an endorsement signed by the state treasurer in substantially the following form:

The State of New Hampshire hereby unconditionally guarantees the payment of percent of any amount of the principal of or the interest on this (bond) (note) which the issuer of this (bond) (note) is unable to pay or refuses to pay upon presentation, and for the performance of such guarantee the full faith and credit of the State are pledged.

.....
State Treasurer

51:11 Nonpublic School Study Commission Report. Amend 1969, 57:3 by striking out said section and inserting in place thereof the following: **57:3 Report and Recommendations.** The commission shall submit a report on or before January 15, 1971 to the 1971 legislature on the results and recommendations of their continuing studies and in addition thereto they shall report on their assessment of the effectiveness of any legislation adopted by the 1970 legislature pertaining to nonpublic school problems.

51:12 Appropriation. Amend 1969, 57 by inserting after section 4 the following new section: **57:4-a Appropriation.** In addition to any other sum appropriated there is hereby appropriated the sum of seventy-five hundred dollars for the purposes of this act. The governor is authorized to draw his warrant for this appropriation out of any money in the treasury not otherwise appropriated.

51:13 Effective Date. This act shall take effect as follows:

I. On passage, sections 1, 2, 4, 7, 8, 9, 10, 11, and 12.

II. On July 1, 1970, sections 3, 5, and 6.

[Approved May 4, 1970.]

[Effective date: I. Sections 1, 2, 4, 7, 8, 9, 10, 11, and 12 shall take effect May 4, 1970. II. Sections 3, 5, and 6 shall take effect July 1, 1970.]

CHAPTER 52.

AN ACT RELATIVE TO REDUCING THE MAXIMUM AGE FOR ASSESSMENT OF THE
POLL TAX FROM SEVENTY TO SIXTY-EIGHT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

52:1 Persons Liable. Amend RSA 72:1 (supp) as amended by 1967, 206:1 by striking out the same and inserting in place thereof the following:

72:1 Persons Liable. A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to sixty-eight years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in sections 28 and 32 of this chapter, and others exempt by special provisions of law.

52:2 Assessment for 1970. The poll tax to be assessed for the year 1970 shall be assessed as provided by RSA 72:1 as hereinbefore amended. Further provided that any person who has paid his poll tax assessed as of April 1, 1970, and who would be exempt from the tax due to the amendment herein provided shall be reimbursed for such payment by the town or city. The cities and towns are authorized to make repayments hereunder without vote therefor by the municipality.

52:3 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 53.

AN ACT TRANSFERRING THE OFFICE OF PLANNING AND RESEARCH TO THE
OFFICE OF THE GOVERNOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

53:1 Office Transferred. Amend RSA 4 by inserting after section 12-c the following new sections:

4:12-d Office of State Planning. The office of planning and research of the division of economic development, department of resources and economic development established pursuant to RSA 12-A is hereby transferred together with all of its powers, functions, duties, personnel, records and property to the office of the governor, except the two resources planners presently assigned to the planning office and their attendant powers, functions, duties, records and property. Henceforth, whenever reference is made in the statutes to the office of planning and research, it shall be construed to mean the office of state planning. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified employee in the state service on effective date of this act shall be required to take an examination to remain in his position.

4:12-e Supervision and Duties. The office of state planning shall be under the supervision and direction of the governor or his designee. In addition to such other duties as the governor may assign, the office of state planning shall acquire and maintain a current record of all large subdivision developments in the state and keep the governor aware of all such activity and proposed actions.

53:2 *Transfer of Funds. All monies appropriated to the office of planning and research, division of economic development, department of resources and economic development and all monies available to it from any source is hereby transferred to the office of state planning, in the office of the governor.

*This section amended by 1970, 57:16.

53:3 Department of Resources and Economic Development. Amend RSA 12-A:1 (supp) as inserted by 1961, 223:3 by striking out in line five the words "reasearch, planning" so that said section as amended shall read as follows: **12-A:1 Establishment.** There shall be a department of resources and economic development under the executive direction of a commissioner of resources and economic development, consisting of a division of resources development, a division of economic development which shall include but not be limited to subdivisions of development and promotion and a division of parks.

53:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1970.]

[Effective date July 3, 1970.]

CHAPTER 54.

AN ACT CLARIFYING THE STATUTE PROVIDING FOR EXEMPTIONS TO PERSONS
OVER SEVENTY AGAINST THEIR REAL ESTATE TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

54:1 Defining Property Valuation for Exemption. Amend RSA 72:39 (supp) as inserted by 1969, 496:1 by striking out said section and inserting in place thereof the following:

72:39 Exemption for Persons over Seventy Years. Residential real estate, as defined by RSA 72:29 II, to the assessed value of five thousand dollars shall be exempt from taxation provided, however, if property within the town or city is not assessed at its full and true market value, the amount of valuation exempted will be that proportion of five thousand dollars that the level of assessments as found by the tax commission bears to one hundred percent, if it is:

I. Owned by a resident seventy years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either of whom is seventy years of age or over; or

III. Owned by a resident seventy years of age or over jointly or in common with a person not his spouse.

54:2 Resident Requirements for Exemption Lowered to Five Years. Amend RSA 72:40 (supp) as inserted by 1969, 496:1 by striking out said section and inserting in place thereof the following:

72:40 — Conditions. No exemption shall be allowed under RSA 72:39 unless the person applying therefor:

I. Has resided in this state for at least five years preceding April 1 in the year in which the exemption is claimed;

II. Had in the calendar year preceding said April 1 a net income from all sources of less than four thousand dollars, or if married, a combined net income of less than five thousand dollars, such net income to be determined by deducting from all monies received from any source whatsoever the amount of any of the following or the sum thereof:

(a) Life insurance paid on the death of an insured;

(b) Expenses and costs incurred in the course of conducting a business enterprise;

(c) Proceeds from the sale of assets.

III. Owns assets of any kind, tangible or intangible, less bona fide encumbrances, not in excess of twenty-five thousand dollars.

54:3 Exemption for Fractional Interest Clarified. Amend RSA 72:41 (supp) as inserted by 1969, 496:1 by striking out said section and inserting in place thereof the following: **72:41 — Proration.** If any entitled person or persons shall own a fractional interest in residential real estate, each such entitled person shall be granted exemption in proportion to his interest therein with other persons so entitled, but in no case shall the total exemp-

tion to all persons so entitled exceed the amount provided in RSA 72:39.

54:4 Appeal to Tax Commission Provided. Amend RSA 72:42 (supp) as inserted by 1969, 496:1 by striking out said section and inserting in place thereof the following:

72:42 — Application.

I. On or before April fifteenth of the year in which an exemption is claimed, a person qualified for the exemption under RSA 72:39 shall file an application for the exemption with the selectmen or assessors. The state tax commission shall have an application form prepared, to be signed by the applicant under penalty of perjury, which shows that the applicant is qualified for the exemption.

II. If any person otherwise qualified to receive such exemption shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing said application on or before April fifteenth, said officials may receive said application at a later date and grant an exemption thereunder, but no such application shall be received or exemption granted after the local tax rate is approved.

III. If the selectmen or assessors are satisfied that the applicant has willfully made any false statement in the application to obtain an exemption, they may refuse to grant the exemption.

IV. Whenever the selectmen or assessors refuse to grant an applicant an exemption to which he may be entitled under the provisions of RSA 72:39, 72:40, 72:41 and 72:42, said applicant may appeal in writing within six months of receipt of the tax bill to the state tax commission which may order an exemption or an abatement if the tax has been assessed.

54:5 Regulations by Tax Commission. Amend RSA 72 by inserting after section 42 (supp) as inserted by 1969, 496:1 the following new section: **72:43 Interpretations and Regulations.** The state tax commission is hereby authorized and empowered to make such reasonable interpretations and constructions of RSA 72:39, 72:40, 72:41 and 72:42 subject to the approval of the attorney general, as will carry out the spirit and purpose of said sections and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement of said provisions throughout the state.

54:6 Further Limitations. Amend RSA 72 by inserting after section 40 (supp) as inserted by 1969, 496:1 the following new section: **72:40-a Limitation.** In addition to other conditions hereunder no exemption shall be allowed under RSA 72:39 where the resident applying therefor has received transfer of the real estate from a person under the age of sixty-five related to him by blood or marriage, within five years.

54:7 Application for 1970 Tax Year. For the tax year of 1970 the provisions of RSA 72:42 requiring that an application be filed on or before April 15 are hereby changed so that an application for an exemption for the tax year 1970 may be filed on or before June 15, 1970.

54:8 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 55.

AN ACT PROVIDING FOR FULL DISCLOSURE IN LAND SALES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

55:1 Disclosure Required. Amend RSA by inserting after chapter 356 the following new chapter:

Chapter 356-A**Land Sales Full Disclosure Act**

356-A:1 Definitions. As used in this chapter the following words shall have the following meanings unless the context clearly requires otherwise:

I. "Disposition" means sale, lease, assignment, award by lottery, or any other transaction designed to convey a lot or lots in a subdivision, if undertaken for gain or profit;

II. "Offer" includes every inducement, solicitation or attempt to encourage a person to acquire an interest in land, if undertaken for gain or profit;

III. "Person" means an individual, corporation, business trust, estate, trust, partnership, unincorporated association, two or more of the foregoing having a joint or common interest, or any other legal or commercial entity;

IV. "Purchaser" means a person who acquires or attempts to acquire or who succeeds to an interest in land;

V. "Subdivider" means any person who is an owner of subdivided land or one who offers it for disposition;

VI. "Subdivision" and "subdivided lands" mean any land in this or another state which is, or has been, or is proposed to be divided for the purpose of disposition into fifty or more lots, parcels, units or interests and also includes any land whether contiguous or not if fifty or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale, provided, however, that the term "subdivision" and the term "subdivided lands" shall not include condominiums;

VII. "Broker" means a real estate broker duly licensed in this state pursuant to RSA 331-A;

VIII. "Agency" means the office of attorney general, division of consumer protection;

IX. "Agent" means any person who represents, or acts for or on behalf of, a developer or subdivider in selling or leasing, or offering to sell or lease, any lot or lots in a subdivision, but shall not include an attorney-at-law whose representation of another person consists solely of rendering legal services;

X. "Blanket encumbrance" means a trust, deed, mortgage, judgment, or any other lien or encumbrance, including but not limited to an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result;

- (a) of the imposition of any tax assessment by any public authority;
- (b) of easements; or
- (c) of conditions, covenants, and restrictions which affect the subdivision;

XI. "Publicly held corporation" means a corporation

- (a) having more than fifty stockholders of record; or
- (b) which is actively traded on one of the major stock exchanges;

XII. "Subsidiary corporation" means any corporation, the stock of which is more than fifty percent owned by another corporation or corporations;

XIII. "Closely held corporation" means any corporation which is not a publicly held corporation as defined in paragraph XI nor a subsidiary corporation as defined in paragraph XII;

XIV. "Hearing" means a hearing open to the public.

356-A:2 Administration. There is hereby added to the office of attorney general, division of consumer protection, such assistant attorneys general, investigators, clerical, stenographic and other staff as the attorney general may appoint within the appropriation made therefor. Said staff shall enforce and administer the provisions of this chapter, subject to the supervision of the attorney general, and perform such other duties as the attorney general may from time to time assign.

356-A:3 Exemptions.

I. Unless the method of disposition is adopted for the purpose of evasion of this chapter or the provisions of the Federal Interstate Land Sales Full Disclosure Act, the provisions of this chapter do not apply to offers or dispositions of an interest in land;

- (a) by a purchaser of subdivided lands for his own account in a single or isolated transaction;
- (b) if fewer than fifty separate lots, parcels, units or interests in subdivided lands are offered by a person in a period of twelve months;
- (c) pursuant to court order;
- (d) by any government or government agency;
- (e) as cemetery lots or interest.

II. Unless the method of disposition is adopted for the purpose of evasion of this chapter or the provisions of the Federal Interstate Land Sales Full Disclosure Act, the provisions of this chapter do not apply:

- (a) offers or dispositions of evidences of indebtedness secured or to be secured by a mortgage or deed of trust of real estate;
- (b) offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;
- (c) a subdivision as to which the plan of disposition is to dispose to ten or fewer persons;
- (d) a subdivision as to which the agency has granted an exemption as provided in RSA 356-A:10;

(e) offers or dispositions of securities registered with the insurance commissioner of this state; and

(f) offers or dispositions of any interest in oil, gas or other minerals or any royalty interest therein, if the offers or dispositions of such interests are regulated as securities by the United States or by the insurance commissioner of this state.

III. The agency may from time to time, pursuant to rules and regulations issued by it, exempt from any of the provisions of this chapter any subdivision, if it finds that the enforcement of this chapter with respect to such subdivision or lots, parcels, units or interests is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering, or because such property has been registered and approved pursuant to the laws of any other state.

IV. Any subdivision which has been registered under the Federal Interstate Land Sales Full Disclosure Act shall be exempt from all of the provisions of this chapter, except RSA 356-A:5, I (a), (f), (g) and (h); RSA 356-A:9; RSA 356-A:10, IV; RSA 356-A:11; RSA 356-A:15; RSA 356-A:16; RSA 356-A:17 and RSA 356-A:20, upon filing with the agency a copy of an effective statement of record filed with the secretary of housing and urban development together with a filing fee of one hundred dollars, and recording a notice of registration with the register of deeds of each county in which said land is situated.

356-A:4 Prohibition on Dispositions of Interests in Subdivisions. Unless the subdivided lands or the transaction is exempted by RSA 356-A:3:

I. No person may offer or dispose of any interest in subdivided lands located in this state, nor offer or dispose in this state of any interest in subdivided lands located without this state prior to the time the subdivided lands are registered in accordance with this chapter;

II. No person may dispose of any interest in subdivided lands unless a current public offering statement is delivered to the purchaser and the purchaser is afforded a reasonable opportunity to examine the public offering statement prior to the disposition.

III. No person, other than the owner, subdivider, or regular employee thereof, shall act in this state as an agent of said owner or subdivider for the sale or disposition of subdivisions subject to the provisions of this chapter unless he is licensed pursuant to RSA 331-A.

356-A:5 Application for Registration.

I. The application for registration of subdivided lands shall be filed as prescribed by the agency's rules and shall contain the following documents and information:

(a) an irrevocable appointment of the agency to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the subdivider or his personal representative;

(b) a legal description of the perimeter of subdivided lands offered for registration, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units or interests and the relation of

the subdivided lands to existing streets, roads, and other off-site improvements;

(c) the states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the subdivided lands by the regulatory authorities in each jurisdiction or by any court;

(d) the subdivider's name, address, and the form, date, and jurisdiction of organization; and the address of each of its offices in this state;

(e) the name, address, and principal occupation for the past five years of every director, president, vice president, treasurer, clerk, of the subdivider or person occupying a similar status or performing similar functions; the extent and nature of any interest of each in the subdivider or the subdivided lands as of a specified date within thirty days of the filing of the application;

(f) if the subdivider is a closely held corporation, partnership, joint stock company, trust or sole proprietorship, the name, address, and principal occupation of each trustee, stockholder, partner, or person having any beneficial interest therein;

(g) if the subdivider is a publicly held corporation, the name, address and principal occupation of each stockholder owning more than ten percent of the shares outstanding;

(h) if the subdivider is a subsidiary corporation, the name, address and principal occupation of each stockholder or person having a beneficial interest therein, and the name, address and principal occupation of each stockholder owning more than ten percent of the shares outstanding in the corporation or corporations to which it is subsidiary;

(i) a statement, in a form acceptable to the agency, of the condition of the title to the subdivided lands including encumbrances as of a specified date within thirty days of the date of application by a title opinion of a licensed attorney, not a salaried employee, officer or director of the subdivider or owner, or by other evidence of title acceptable to the agency;

(j) copies of the instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts and other agreements which a purchaser will be required to agree to or sign;

(k) copies of the instruments by which the interest in the subdivided lands was acquired;

(l) if there is a blanket encumbrance or lien affecting more than one lot, parcel, unit or interest, a statement of the consequences for a purchaser of failure to discharge the blanket encumbrance or lien and the steps, if any, taken to protect the purchaser in case of this eventuality;

(m) copies of instruments creating easements, conditions, covenants and restrictions, or other encumbrances, affecting the subdivided lands, if any, with data as to recording;

(n) a statement of the zoning and subdivision regulations affecting the subdivided lands and also of any existing tax and existing or proposed special taxes or assessments which affect the subdivided lands;

(o) a statement of the existing provisions for access, sewage disposal, water, and other public utilities in the subdivisions; a statement of any improvements to be installed, and the estimated cost thereof, the schedule

for their completion, and a statement as to any provisions for improvement maintenance;

(p) a narrative description of the promotional plan for the disposition of the subdivided lands;

(q) the proposed public offering statement;

(r) if the subdivider is a corporation, a copy of its articles of incorporation with all amendments thereto;

(s) if the subdivider is a trust, a copy of all instruments by which the trust is created together with all amendments thereto;

(t) if the subdivider is a partnership, unincorporated association, joint stock company, or any other form of organization, a copy of its articles of partnership or association and all other papers pertaining to its organization, including all amendments thereto;

(u) if the subdivider is not the holder of legal title, copies of the appropriate documents required by subparagraphs (r), (s) or (t) above;

(v) any other information, including any current financial statement, which the agency by its rules requires for the protection of purchasers. Financial information filed with the agency shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

II. If the subdivider registers additional subdivided lands to be offered for disposition, he may consolidate the subsequent registration with any earlier registration offering subdivided lands for disposition under the same promotional plan.

III. The subdivider shall immediately report any material changes in the information contained in an application for registration.

IV. The subdivider shall upon filing an application for registration post with the agency such bond, in favor of the state, as the agency may require with surety in such amount as the agency may in its discretion require. No bond which may be required by the provisions of this chapter shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person aggrieved by an act of the principal named in the bond in violation of the provisions of this chapter, may proceed on such bond against the principal, surety or both to recover damages.

V. The subdivider shall pay a filing fee of one hundred dollars.

356-A:6 Public Offering Statement.

I. A public offering statement shall disclose fully and accurately the physical characteristics of the subdivided lands offered. The proposed public offering statement submitted to the agency shall be in a form prescribed by its rules and shall include the following:

(a) the name and principal address of the subdivider;

(b) a general description of the subdivided lands stating the total number of lots, parcels, units, or interests in the offering;

(c) the significant terms of any encumbrances, easements, liens, and restrictions, including zoning, water pollution and other regulations affecting the subdivided lands and each unit or lot, and a statement indicating

whether or not any such zoning, water pollution and other regulations have been complied with;

(d) a statement of the use for which the property is offered;

(e) information concerning improvements, including streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities, and the estimated cost, if any, to be borne by the purchaser, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in subdivided lands;

(f) additional information required by the agency to assure full and fair disclosure to prospective purchasers.

II. The public offering statement shall not be used for any promotional purposes before registration of the subdivided lands and afterwards only if it is used in its entirety. No person may advertise or represent that the agency approves or recommends the subdivided lands or disposition thereof. No portion of the public offering statement may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the agency requires it.

III. The agency may require the subdivider to alter or amend the proposed public offering statement in order to assure full and fair disclosure to prospective purchasers, and no change in the substance of the promotional plan or plan of disposition or development of the subdivision may be made after registration without notifying the agency and without making appropriate amendment of the public offering statement. A public offering statement is not current unless all amendments are incorporated.

356-A:7 Inquiry and Examination.

I. Upon receipt of an application for registration in proper form, the agency shall forthwith initiate such examination as it shall deem necessary to determine:

(a) that the subdivider can convey or cause to be conveyed the interest in subdivided lands offered for disposition if the purchaser complies with the terms of the offer, and when appropriate, that release clauses, conveyances in trust or other safeguards have been provided;

(b) that there is reasonable assurance that all proposed improvements will be completed as represented;

(c) that any advertising material required pursuant to section 9 and the general promotional plan are not false or misleading and comply with the standards prescribed by the agency in its rules and afford full and fair disclosure;

(d) whether the subdivider has not, or if a corporation its officers, directors, and principals have not, been convicted of a crime involving land dispositions or any aspect of the land sales business or any other felony in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any injunction or administrative order within the past ten years restraining a false or misleading promotional plan involving land dispositions;

(e) that the public offering statement requirements of this chapter have been satisfied.

II. All reasonable expenses incurred by the agency in carrying out the examination required by paragraph I shall be paid by the subdivider and no order registering the subdivided lands shall be entered until such expenses have been fully paid.

356-A:8 Notice of Filing and Registration.

I. Upon receipt of the application for registration in proper form, the agency shall issue a notice of filing to the applicant. As soon as possible and within sixty days from the date of the notice of filing, the agency shall enter an order registering the subdivided lands or rejecting the registration. If no order of rejection is entered within sixty days from the date of notice of filing, the land shall be deemed registered unless the applicant has consented in writing to a delay. Notice of all registrations shall be recorded in the register of deeds of each county in which said land is situated within ten days of their receipt by the agency.

II. If the agency affirmatively determines, upon inquiry and examination, that the requirements of this chapter have been met, it shall enter an order registering the subdivided lands and shall designate the form of the public offering statement.

III. If the agency determines upon inquiry and examination that any of the requirements of this chapter have not been met, the agency shall notify the applicant that the application for registration must be corrected in the particulars specified within ten days. If the requirements are not met within the time allowed the agency shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

IV. The fact that a statement of record with respect to a subdivision has been filed or is in effect shall not be deemed a finding by the agency that the statement of record is true and accurate on its face, or be held to mean the division has in any way passed upon the merits of, or given approval to, such subdivision. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to this paragraph.

356-A:9 Annual Report.

I. Within thirty days after each annual anniversary date of an order registering subdivided lands, the subdivider shall file a report in the form prescribed by the rules of the agency. The report shall reflect any material changes in information contained in the original application for registration, including but not limited to any change in the ownership of interests in the corporation or organization as required in RSA 356-A:5, I (f), (g) and (h).

II. The agency at its option may permit the filing of annual reports within thirty days after the anniversary date of the consolidated registration in lieu of the anniversary date of the original registration.

356-A:10 General Powers and Duties.

I. The agency shall prescribe reasonable rules for carrying out the provisions of this chapter.

II. The agency by rule or by an order, after reasonable notice and hearing, may require the filing of advertising material relating to subdivided lands prior to its distribution.

III. If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter or a rule or order hereunder, the agency, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The agency is not required to post a bond in any court proceedings.

IV. The agency may intervene in any suit involving subdivided lands alleging violation of this chapter. In any such suit by or against a subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice of the suit and copies of all pleadings.

V. The agency may:

(a) accept registrations filed in other states, in lieu of the filing required by this chapter upon the filing of a fee of one hundred dollars;

(b) contract with similar agencies in this state or other jurisdictions to perform investigative functions;

(c) accept grants in aid from any source.

VI. The agency may cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, uniform public offering statements, advertising standards, rules and common administrative practices.

356-A:11 Investigations and Proceedings.

I. The agency may:

(a) make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder;

(b) require or permit any person to file a statement in writing, under oath and subject to the pains and penalties of perjury or otherwise as the agency determines, as to all the circumstances concerning matters under investigation.

II. For the purpose of any hearing under this chapter the agency or any officer designated by rule may administer oaths or affirmations. Upon its own motion or upon request of any party the agency or any officer designated by rule shall subpoena witnesses, issue subpoena duces tecum, compel their attendance, take evidence, and require the production of any matter which is relevant to such hearing, including the existence, description, nature, custody, condition, and location of any books, documents, or

other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

III. Upon failure to obey a subpoena or subpoena duces tecum or to answer questions propounded by the investigating officer, or to produce any material required by the investigating officer, and upon reasonable notice to all persons affected thereby, the agency may apply to the superior court, for an order compelling compliance.

356-A:12 Cease and Desist Orders.

I. If the agency determines after notice and hearing that a person has:

(a) violated any provisions of this chapter;

(b) directly or through an agent or employee knowingly engaged in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of any interest in subdivided lands;

(c) made any substantial change in the plan of disposition and development of the subdivided lands subsequent to the order of registration without obtaining prior written approval from the agency;

(d) disposed of any subdivided lands which have not been registered with the agency; or

(e) violated any lawful order or rule of the agency;

It may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the agency will carry out the purposes of this chapter.

II. If the agency makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the agency whenever possible by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms provision that upon request a hearing will be held within ten days to determine whether or not it becomes permanent.

356-A:13 Revocation.

I. A registration may be revoked after notice and hearing upon a written finding of fact that the subdivider has:

(a) failed to comply with the terms of a cease and desist order;

(b) been convicted after final appeal in any court subsequent to the filing of the application for registration for a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing in real estate transactions;

(c) disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of subdivision purchasers;

(d) failed faithfully to perform any stipulation or agreement made with the agency as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or public offering statement;

(e) made intentional misrepresentations or concealed material facts in an application for registration.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

II. If the agency finds after notice and hearing that the subdivider has been guilty of a violation for which revocation could be ordered, it may issue a cease and desist order instead.

356-A:14 Judicial Review.

I. Any person aggrieved by a decision or action of the agency may, by petition, appeal from said decision or action to the superior court for trial de novo. The superior court may affirm, reverse, or modify the decision or action of the agency as justice may require.

II. The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the superior court may order, a stay upon appropriate terms.

III. Within thirty days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the superior court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

IV. If, before the date set for a court hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the superior court.

356-A:15 Penalties. Any person who wilfully violates any provision of this chapter or of a rule adopted under it or any person who wilfully, in an application for registration makes any untrue statement of a material fact or omits to state a material fact, shall be fined not less than one thousand dollars or triple the amount of gain from the offer or disposition, whichever is the larger but not more than one hundred thousand dollars; or he may be imprisoned for not more than two years, or both.

356-A:16 Civil Remedy.

I. Any person who disposes of subdivided lands in violation of this chapter, or who in disposing of subdivided lands makes an untrue statement of a material fact, or who in disposing of subdivided lands omits a material fact required to be stated in a registration statement or public offering statement or necessary to make the statements made not misleading, is liable as provided in this section to the purchaser unless in the case of an untruth or omission it is proved that the purchaser knew of the untruth or omission or that the person offering or disposing of subdivided lands did not know and in the exercise of reasonable care could not have known of the untruth or omission, or that the purchaser did not rely on the untruth or omission.

II. In addition to any other remedies, the purchaser, under the preceding paragraph, may recover three times the consideration paid for the lot, parcel, unit or interest in subdivided lands together with interest at the rate of six percent per year from the date of payment, property taxes paid, less the amount of any income received from the subdivided lands upon tender of appropriate instruments of reconveyance. If the purchaser no longer owns the lot, parcel, unit or interest in subdivided lands, he may recover the amount that would be recoverable upon a tender of a reconveyance less the value of the land when disposed of and less interest at the rate of six percent per year on that amount from the date of disposition. In any such action by the purchaser the prevailing party may recover reasonable court costs and attorney's fees, as may be ordered by the court.

III. Every person who materially participates in any disposition of subdivided lands in the manner specified in paragraph I, if such person directly or indirectly controls a subdivider, is a general partner, officer, or director of a subdivider, and every employee or agent of the subdivider who materially aids in the disposition, is also liable jointly and severally with and to the same extent as the subdivider, if such person knew or in the exercise of reasonable care should have known of the existence of the facts by reason of which the liability is alleged to exist. There is a right to contribution as in cases of contract among persons so liable.

IV. Every person whose occupation gives authority to a statement which with his consent has been used in an application for registration or public offering statement, if he is not otherwise associated with the subdivision and development plan in a material way, is liable only for false statements knowingly made.

V. A tender of reconveyance may be at any time before the entry of judgment.

VI. A person may not recover under this section in actions commenced more than six years after his first payment of money to the subdivider in the contested transaction.

VII. Any stipulation or provision purporting to bind any person acquiring subdivided lands to waive compliance with this chapter or any rule or order under it is void.

VIII. The owner, publisher, licensee or operator of any newspaper, magazine, visual or sound radio broadcasting station or network of stations or the agents or employees of any such owner, publisher, licensee or operator of such newspaper, magazine, station or network of stations shall not be liable under this chapter for any advertising of any subdivision, lot, parcel or unit in any subdivision carried in any such newspaper or magazine or by any such visual or sound radio broadcasting station or network of stations nor shall any of them be liable under this chapter for the contents of any such advertisement.

IX. Any broker or real estate salesman violating any provision of this chapter may, in addition to any other penalty imposed by this chapter, have his real estate broker's or salesman's license suspended or revoked by the real estate commission pursuant to RSA 331-A, for such time as in the circumstances it considers justified.

356-A:17 Jurisdiction. Dispositions of subdivided lands are subject to this chapter, and the superior courts of this state have jurisdiction in claims or causes of action arising under this chapter if:

I. the subdivided lands offered for disposition are located in this state; or

II. the subdivider's principal office is located in this state; or

III. any offer or disposition of subdivided lands is made in this state, whether or not the offeror or offeree is then present in this state, if the offer originates within this state or is directed by the offeror to a person or place in this state and received by the person or at the place to which it is directed.

356-A:18 Interstate Rendition. In the proceedings for extradition of a person charged with a crime under this chapter, it need not be shown that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding or other state.

356-A:19 Service of Process.

I. Service may be made by delivering a copy of the process to the office of the agency, but it is not effective unless the plaintiff (which may be the agency in a proceeding instituted by it):

(a) forthwith sends a copy of the process and of the pleading by certified or registered mail to the defendant or respondent at his last known address, and

(b) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

II. If any person, including any nonresident of this state, engages in conduct prohibited by this chapter or any rule or order hereunder, and has not filed a consent to service of process and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct authorizes the agency to receive service of process in any noncriminal proceeding against him or his successor which grows out of that conduct and which is brought under this chapter or any rule or order hereunder, with the same force and validity as if served on him personally. Notice shall be given as provided in paragraph I.

356-A:20 Conflict of Interest. No member of the agency or any partnership, firm or corporation with which a member is associated shall act as subdivider, agent, attorney or broker of a subdivision, lot, parcel, unit or interest therein or offer or dispose of a subdivision, lot, parcel, unit or interest therein required to be approved pursuant to RSA 356-A:4 of this chapter.

356-A:21 Short Title. This chapter may be cited as the Land Sales Full Disclosure Act.

356-A:22 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

55:2 Additional Assistant Attorney General. Amend RSA 7:16 (supp) as amended by 1957, 315:1; 1963, 209:1; 1967, 413:1, and the Laws of 1970, by striking out in line two the word "nine" and inserting in place thereof the word (ten) so that said section as amended shall read as follows: **7:16 Assistant Attorneys General.** The attorney general, subject to the approval of the governor and council, may appoint ten assistant attorneys general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney general may be removed only as provided by RSA 4:1.

55:3 Compensation. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 and amended by Laws of 1970 by striking out where it appears in proper alphabetical order the line reading "Assistant attorneys general (9) 15,226 17,129" and inserting in place thereof the following: (Assistant attorneys general (10) 15,226 17,129).

55:4 Effective Date. RSA 356-A:4 as inserted by section 1 shall take effect October 1, 1970 and the remainder of this act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date RSA 356-A:4 as inserted by section 1 shall take effect October 1, 1970 and the remainder of the act shall take effect May 4, 1970.]

CHAPTER 56.

AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE EXPENSES OF CERTAIN DEPARTMENTS OF THE STATE FOR THE FISCAL YEARS ENDING JUNE 30, 1970 AND JUNE 30, 1971, PROVIDING FOR THE CONTROL OF AQUATIC NUISANCES AND MAKING APPROPRIATION THEREFOR, EXTENDING AN APPROPRIATION FOR THE WATER RESOURCES BOARD, MAKING AN APPROPRIATION FOR THE BICENTENNIAL COMMISSION, AND PROVIDING FOR RECOMPILATION OF VOLUME 1 OF THE RSA WITH THE APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

56:1 Appropriations. The sums hereinafter detailed in sections 2 and 3 of this act are hereby appropriated to be paid out of the treasury of the state for the purpose specified for the branches and departments named, by section 2 of the act for the fiscal year ending June 30, 1970 and by section 3 of the act for the fiscal year ending June 30, 1971. Said appropriations are in addition to any other appropriations made for said fiscal years for any of said branches or departments.

56:2 Appropriation for Fiscal Year Ending June 30, 1970.

Department of resources and
economic development

Office of the commissioner

New England river basins commission

\$6,300

Office of coordinator of federal funds		
Equipment		2,000
Board of accountancy:		
Current expenses	\$750	
Travel:		
In-state	50	
Total		<u>800</u>
Total appropriation for fiscal year ending June 30, 1970		<u>\$9,100</u>

56:3 Appropriation for Fiscal Year Ending June 30, 1971.

Department of health and welfare		
Division of public health services		
Maternal child health and crippled children's services		
Other expenditures:		
Rehabilitation		\$50,000
Radiation surveillance:		
Personal services:		
Permanent	\$ 6,529	
Current expenses	321	
Travel:		
In-state	1,000	
Equipment	11,350	
Total		<u>\$ 19,200</u>
Total for division of public health services		\$ 69,200
Division of Welfare		
Old age assistance:		
State's share		\$279,570
Towns and counties	\$ 441,799	
Less estimated revenue	441,799	
Net appropriation		0
Federal	\$1,045,824	
Less estimated revenue	1,045,824	
Net appropriation		0
Old age assistance to aliens:		
Towns and counties*	\$ 81,733	
Less estimated revenue	30,396	
Net appropriation		<u>51,337</u>

Federal	\$ 118,495
Less estimated federal funds	118,495

Net appropriation	0
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*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Aid to families with dependent children:

State's share	\$617,989
Federal	\$895,948
Less estimated revenue	895,948

Net appropriation	0
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Aid to needy blind:

State's share	39,299
Federal	\$ 56,976
Less estimated revenue	56,976

Net appropriation	0
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Aid to permanently and totally disabled:

State's share	16,574
Towns and counties*	\$ 99,671
Less estimated revenue	99,671

Net appropriation	0
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Federal	\$168,529
Less estimated revenue	168,529

Net appropriation	0
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*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Net appropriation for division of welfare	\$1,004,769
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Division of mental health

Office of director:

Office of mental retardation:

Other expenditures:

Grants for community development centers	\$ 50,000
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Office of community mental health
services:

Other expenditures:

Grants to community mental
health services

200,000

Total for office of director

\$250,000

New Hampshire hospital:

Administration:

Other personal services:

Permanent

13,187

Professional care and treatment:

Personal services:

Permanent

\$166,588

Other

27,460

Current expenses

5,000

Drugs:

Out patients†

7,909††

In patients

12,500††

Equipment

42,100

Total

261,557

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

Custodial care:

Personal services:

Permanent

\$ 12,045

Current expenses

6,110

Equipment

28,300

Total

46,455

Operation of plant:

Personal services:

Permanent

\$ 4,485

Other

5,000

Equipment

7,700

Total

17,185

Maintenance of plant:

Equipment

Personal services:

Permanent

10,618

Current expenses

5,000

Total

15,618

Children's services:

Personal services:

Other	\$ 5,000
Current expenses	5,000
Equipment	12,000

Total	22,000
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Total for New Hampshire hospital	\$376,002
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Total for division of mental health	626,002
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Total for department of health and welfare	\$1,699,971
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Department of education

Education of handicapped children	\$110,000
Education of deaf*	22,000
Intellectually retarded children	58,000
Emotionally disturbed children	60,000

*These funds shall be for payments to school for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom.

Vocational education acts:

Reimbursements to local school districts as permitted by vocational education acts**	\$150,000
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**Other provisions of law notwithstanding, this amount shall only be expended for reimbursement to local school districts.

Total for board of education	400,000
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Department of resources and economic development:

Office of the commissioner:

New England river basins commission	6,300
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Water supply and pollution control commission:

Office of commission:

Personal services:

Permanent	\$154,521
Current expenses	40,007

Travel:

In-state	15,000
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Total for water supply and pollution control commission	209,528
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Administration and control:

Division of budget and control:

Other expenditures:

New England board of higher
education:

Grants

50,000

Real estate commission:

Other personal services:

Permanent

4,277

Total appropriation for fiscal
year ending June 30, 1971\$2,370,076

56:4 Elimination of Welfare Footnote. Amend Laws of 1969, 367:4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisk after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after the appropriation for aid to families with dependent children which reads as follows: "*This appropriation shall not be transferred or expended for any other purpose."

56:5 Repeal of Footnote Relative to Commission on the Arts. Amend Laws of 1969, 367:4 and 368:4 by striking out in the appropriation for the commission on the arts the asterisk after the line reading "Net appropriation \$10,000*" and by striking out the footnote after said appropriation reading "*State fund expenditures shall not exceed \$10,000."

56:6 New Chapter. Amend RSA by inserting after chapter 149-E (supp) as inserted by 1967, 147:13 the following new chapter:

Chapter 149-F**Control of Algae and Other Aquatic Nuisances**

149-F:1 Control. The water supply and pollution control commission is authorized to utilize such methods of control and to employ such personnel, consultant services, and equipment as, in its judgement, will control aquatic nuisances, plant or animal in the surface waters of the state as defined in RSA 149:1.

149-F:2 Agent to Receive Funds. The commission shall be the agency to receive and utilize federal funds, gifts, or grants from any person or association, which may be made available for the purposes of this chapter.

56:7 Appropriation. The following sums are hereby appropriated for the purposes of RSA 149-F as inserted by section 6 of this act.

Control of algae and other aquatic
Nuisances

\$125,000

Less estimated revenue

50,000

Net appropriation

\$75,000

The above appropriation shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:8 Appropriation. There is hereby appropriated for the payment of refunds as certified by the state tax commission provided for by 1970, 5:20, the sum of two hundred twenty thousand dollars. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

56:9 Tobacco Tax; Appropriation. In order to insure the payment of the tax upon tobacco products on hand and in the possession of licensees at the time 1970, 5:10 becomes effective the state tax commission is hereby authorized to employ such temporary help as may be necessary and procure such supplies, stamps, and other things necessary for the purpose and the sum of forty-five hundred dollars is hereby appropriated to defray the cost thereof. Said appropriation shall not lapse at the end of the fiscal year but shall continue and be available so long as there is need thereof. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:10 Appropriation for OASI. There is hereby appropriated in addition to any other sums appropriated for OASI for fiscal 1970 the amount of one hundred sixty thousand dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:11 Insertion of Footnote. Amend the appropriation in 1969, 368:4 for old age assistance to aliens in the department of health and welfare, division of welfare by striking out said appropriation and inserting in place thereof the following:

Old age assistance to aliens:		
Towns and counties*	\$192,107	
Less estimated revenue	192,107	
	<hr/>	
Net appropriation		0
Federal	\$251,700	
Less estimated revenue	251,700	
	<hr/>	
Net appropriation		0

*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

56:12 Extension of Water Resources Appropriation. The balance of the appropriation made for the water resources board by 1967, 394:1, VII as amended by 1969, 51:2 shall be available for expenditure until June 30, 1973.

56:13 Appropriation for Printing of RSA Supplements. Amend 1969, 86:2 by striking out in line one the word "thirteen" and inserting in place thereof the word (seventeen) so that said section as amended shall read as follows: **86:2 Appropriation.** The sum of seventeen thousand dollars is hereby appropriated for the purposes of this act relative to the supplements for the 1971 session of the general court. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

56:14 Appropriation for Bicentennial Commission. Amend 1969, 455 by inserting after section 4 the following new section: **455:4-a Life of Commission and Appropriation.** The commission shall continue in existence until thirty days after the two hundredth anniversary of the effective date of the definitive Treaty of Peace with Great Britain which terminated the American Revolution. For the purposes of the commission, there is hereby appropriated the sum of seven hundred fifty dollars for the fiscal year ending June 30, 1971 and said appropriation shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:15 Revised Statutes Annotated. The secretary of state, with the approval of the attorney general, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the recompilation of volume 1 of Revised Statutes Annotated into two volumes. The contract for recompilation shall provide for the editorial preparation, including renumbering of chapters and sections, and execution and integration of new acts, of acts specifically or generally amending existing law, and of notes and annotations, publication, and distribution of the two volumes, which shall be designated 1 and 1-A. The reprinting of the volumes shall follow the general scheme for the original printing of Revised Statutes Annotated. The provisions of RSA 8, relative to competitive bidding for state purchases, shall not apply to the contract authorized under this act.

56:16 Sales. The secretary of state, with the approval of the attorney general, is authorized to contract with the publisher of recompiled volume 1 of the Revised Statutes Annotated for the sale of replacement volumes 1 and 1-A to the public at a price to be determined by the secretary of state.

56:17 Distribution. The secretary of state is authorized to distribute official bound copies of replacement volumes 1 and 1-A of the Revised Statutes Annotated free of charge in the following manner: One copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire revision commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the United States court of appeals for the first circuit, the district court of the United States for this district, the United States department of justice, the library of congress, the New Hampshire Historical Society, the secretary of state, the state treasurer, the comptroller, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, twenty

copies to the office of the director of legislative services, and fourteen copies to the office of the attorney general. Any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of replacement volumes 1 and 1-A of the Revised Statutes Annotated. The secretary of state may distribute additional copies of original and replacement volumes of the Revised Statutes Annotated to state government departments, offices and agencies for official use, subject to the approval of the governor and council.

56:18 Appropriation. The sum of seventeen thousand five hundred dollars is hereby appropriated for the purposes of section 15, 16, and 17 of this act. The governor is authorized to draw his warrant for the sum hereby appropriated, or so much thereof as may be necessary for the purposes hereof, out of any money in the treasury not otherwise appropriated.

56:19 Adjustment of Totals. Adjustments of any totals in 1969, 367 or 368 which are required because of any amendments made to either of said acts by this act are hereby made and authorized.

56:20 Foundation Aid. There is hereby appropriated for the fiscal year ending June 30, 1971, to the department of education for foundation aid the sum of one million dollars. Said appropriation shall be in addition to any other funds appropriated therefor for said fiscal year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:21 Governor's Staff. There is hereby appropriated for fiscal year ending June 30, 1971, to the office of governor, in addition to any other sums appropriated therefor, the sum of eighteen thousand dollars. The governor is authorized to draw his warrant for the sum out of any money in the treasury not otherwise appropriated.

56:22 Land Disclosure. There is hereby appropriated tthe following sum for fiscal year 1971 to be expended by the attorney general for the following purpose:

Implementation of RSA 356-A:		
Assistant attorney general		\$15,226
Permanent personnel:		
1 Legal steno II		5,309
Equipment:		
Desks and chairs (2)	\$700	
Typewriter and stand (1)	535	
File cabinets	600	1,835
		<hr/>
Current expenses		2,000
Enforcement expenses		5,000
Travel:		
In-state	2,000	
Out-of-state	1,200	3,200
		<hr/>
Total		<hr/>
		\$32,570

The governor is authorized to draw his warrant out of any money in the treasury not otherwise appropriated.

56:23 State Prison. The sum of fifty thousand dollars is appropriated for the purpose of converting the heating system at the state prison from coal to oil. The sum hereby appropriated shall be expended by the trustees of the state prison.

56:24 Bonds Authorized. To provide funds for the appropriation made in the preceding section of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of fifty thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

56:25 Payments. The payment of principal and interest on bonds and notes authorized in the preceding section of this act shall be made when due from the general fund of the state.

56:26 Transfer of Personnel. Amend in the appropriation for department of resources and economic development: I. Chapter 368:4 Laws of 1969, by reducing Permanent Personal Services under Division of Economic Development, Vacation travel promotion from 83,643 to 76,618; II. Chapter 368:4 Laws of 1969, by increasing Permanent Personal Services under Office of Commissioner, Administration, warehouse and graphic arts from 147,845 to 154,870. This paragraph authorizes the transfer of the position of Publicity Writer from the Division of Economic Development to the Office of Commissioner as Administrative Assistant; III. Chapter 368:4 Laws of 1969, by reducing Permanent Personal Services under Office of Commissioner, Design, development and maintenance from 111,614 to 101,659; IV. Chapter 368:4 Laws of 1969, by increasing Permanent Personal Services under Division of Parks, Administration from 38,478 to 48,703. This paragraph authorizes the transfer of the position of Landscape Architect from the Office of Commissioner to Division of Parks.

56:27 Welfare Escrow Account. The amount of forty-six thousand nine hundred fifty-four dollars and ninety cents of additional welfare funds placed in a separate account by action of the governor and council on December 17, 1969, shall be transferred to the general fund.

56:28 Lapse of Dual Enrollment and Child Benefit Services Appropriations. Amend section 3 and section 5 of An Act permitting a school district to provide child benefit services to pupils in public and nonpublic schools; providing for state grants to districts having dual enrollment, or child benefit services; providing for state guarantees of building costs to districts having dual enrollment or whose enrollment in public schools has increased by at least ten percent or more in any one year; increasing the state guarantee of building costs to cooperative school districts; continuing the nonpublic school study commission; and making appropriations for all the above, passed by the 1970 special session of the general court by striking out said sections and inserting respectively in place thereof the following:

51:3 Appropriation; Dual Enrollment. There is hereby appropriated the sum of six hundred thousand dollars for the purposes of section 2 of this act. This sum shall lapse on June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

51:5 Appropriation; Services. There is hereby appropriated the sum of seven hundred thousand dollars for the purposes of section 4 of this act. This sum shall lapse on June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

56:29 Effective Date. This act shall take effect upon its passage except section 21 shall take effect on January 1, 1971.

[Approved May 4, 1970.]

[Effective date May 4, 1970, except section 21 shall take effect January 1, 1971.]

CHAPTER 57.

AN ACT MAKING AMENDMENTS TO THE BUSINESS PROFITS TAX AND THE ACT IMPOSING A TAX ON CERTAIN INCOME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

57:1 Tobacco Tax Discount. Laws of 1970, chapter 5, section 11 lowering the discount on tobacco tax stamps is hereby repealed.

57:2 Establishing a Director of Business Profits Tax. Amend RSA 77-A:15, I as inserted by 1970, 5:1 by striking out said paragraph and inserting in place thereof the following: I. The commission shall administer the provisions of this chapter. A business profits tax division is created in the tax commission. The commission shall, subject to the approval of governor and council, appoint a director and deputy director of the business profits tax division who shall be unclassified employees and who shall serve at the pleasure of the commission. The director shall have such powers, duties, and functions as the commission may from time to time assign, provided however, that the commission may not delegate the power to determine adjustments under RSA 77-A:13. The deputy director shall perform the duties assigned to him by the director. The commission, as authorized by the governor and council, may employ, subject to the personnel statutes, such additional technical, clerical, and other personnel necessary to carry out the provisions of this chapter. The director, subject to the approval of the commission, is authorized to equip the division with furniture, equipment and supplies and to incur such other expenses necessary to administer the division.

57:3 Compensation of Director. Amend RSA 94:1 (supp) as amended by inserting in proper alphabetical order lines reading as follows:

Deputy director, business profits tax	17,690	22,204
Director, business profits tax	20,000	25,400

57:4 Compensation. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 by inserting in proper alphabetical order lines reading as follows:

Deputy director, business profits tax	17,690	22,204
Director, business profits tax	20,000	25,400

57:5 Limiting the Authority to Administer Oaths Relative to Business Profits Tax. Amend RSA 77-A:15, V as inserted by 1970, 5:1 by striking out the words "examination, investigation or" in the first sentence thereof so that said paragraph as amended shall read as follows: V. The commission may take the oath of any person in the course of any hearing authorized by this chapter. In connection with hearings, the commission and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commission and taxpayer may take the depositions of witnesses residing within or without the state pertaining to a matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses are the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commission shall be considered as an expense of administration of this chapter.

57:6 Date for Payment of Business Profits Tax. Amend RSA 77-A:7 as inserted by 1970, 5:1 by inserting before the last sentence the following (If the taxpayer is exempted from filing a declaration by RSA 77-A:6, II the tax, if any, is due and payable at the time the return required by RSA 77-A:6, I is filed.) so that said section as amended shall read as follows:

77-A:7 Payments. One quarter of the taxpayer's estimated business profits tax for the subsequent taxable period is due and payable at the time the taxpayer files the declaration required in RSA 77-A:6, II; one quarter is due and payable three months thereafter; one quarter is due and payable six months thereafter; and one quarter is due and payable nine months thereafter. If the return required by RSA 77-A:6, I, shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, the commission shall refund such overpayment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payments due, to the extent of the overpayment, at the taxpayer's option. If the taxpayer is exempted from filing a declaration by RSA 77-A:6, II the tax, if any, is due and payable at the time the return required by RSA 77-A:6, I is filed. Taxes not paid when due shall bear interest at the rate of ten percent per year computed from the due date.

57:7 Administration of Tax on Certain Income. Amend RSA 77-B:4, I as inserted by section 1 of a bill passed by the 1970 session of the general court entitled an act imposing a tax on certain income and making an appropriation therefor, by striking out the same and inserting in place thereof the following:

I. This chapter shall be administered and enforced by the business profits tax division of the tax commission subject to the supervision of the tax commission. The commission as authorized by governor and council, subject to personnel statutes, shall appoint such additional technical, clerical, and other personnel as the commission shall deem necessary to carry out

the provisions of this chapter. The director of the business profits tax division shall have such powers, duties and functions in the enforcement of this chapter as the commission may from time to time assign. The director shall furnish a bond in an amount set under RSA 93.

57:8 Eliminating Double Taxation in the Tax on Certain Income.

Amend the bill passed by the 1970 session of the general court entitled an act imposing a tax on certain income and making an appropriation therefor, as follows:

Amend RSA 77-B:1, VI as inserted by section 1 of the bill by striking out in line three the word "and" and by inserting in line four after the word "dollars" the words (and less any taxable business profits taxed pursuant to the business profits tax) so that said paragraph as amended shall read as follows:

VI. "New Hampshire taxable income" shall mean, for any taxable year, taxable income as defined under the United States internal revenue code in effect for that taxable year less any New Hampshire derived income, less an exemption of two thousand dollars and less any taxable business profits taxed pursuant to the business profits tax.

Amend RSA 77-B:1, X (c) as inserted by section 1 of the bill by inserting in line five after the word "section" the words (nor any taxable business profits taxed pursuant to the business profits tax) so that said paragraph as amended shall read as follows:

(c) income derived from every business, trade, occupation or profession of the taxpayer to the extent that the business, trade, occupation or profession is carried on within the state. But New Hampshire derived income shall not include any income excluded from adjusted gross income as defined in this section nor any taxable business profits taxed pursuant to the business profits tax.

57:9 Limiting the Authority to Administer Oaths Relative to an Act Imposing a Tax on Certain Income. Amend RSA 77-B:25, I as inserted by an act imposing a tax on certain income passed by the 1970 session of the general court by striking out said paragraph and inserting in place thereof the following:

I. The commission may take the oath of any person in the course of any hearing authorized by this chapter. In connection with hearings, the commission and taxpayer have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commission and taxpayer may take the depositions of witnesses residing within or without the state pertaining to a matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses are the same as those allowed to witnesses in the superior court and in the case of witnesses summoned by the commission shall be considered as an expense of administration of this chapter.

57:10 Refund of Tax. Amend RSA 77-B:7 as inserted by an act imposing a tax on certain income passed by the 1970 session of the general court by striking out the same and inserting in place thereof the following:

77-B:7 Returns and Refunds of Individuals.

I. A taxpayer shall file a return of his net income for such a period and on such accounting basis as is authorized under the internal revenue code. For each taxable year, returns shall be made to the commission in such form and manner and to such extent as it shall prescribe by regulations, by the following taxpayers:

(a) A resident having for such taxable year any New Hampshire taxable income as defined in RSA 77-B:1; provided, however, that if it shall appear to the satisfaction of the commission that any residents of this state, or class of residents of this state, who are subject to the tax imposed by this act, are liable for tax upon the same income under the law imposed for the taxable year by another state and are thereby entitled to a credit allowed by section 2 of this chapter against the tax otherwise due under this chapter, the commission shall by regulation relieve such residents or class of residents from being required to make any return under this chapter.

(b) A nonresident having for such taxable year New Hampshire derived income of two thousand dollars or more.

II. A husband and wife may make a single joint return to the commission for a taxable year for which such a return is filed under the laws of the United States. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

III. Whenever a taxpayer shall file a return which shows that his withholding tax or estimated tax exceeds the amount of tax liability due under this chapter, he shall be due a refund and the tax commission shall forthwith certify the amount of said refund to the state treasurer who shall pay the same to the taxpayer; provided, however, that at the option of the taxpayer, said refund may be credited against any tax due from said taxpayer for the succeeding calendar year.

IV. Any refund or credit due a taxpayer pursuant to paragraph III for which said refund or credit is not requested within five years shall be deemed the property of the state of New Hampshire.

57:11 Withholding of Tax. Amend RSA 77-B:10 as inserted by an act imposing a tax on certain income passed by the 1970 session of the general court by striking out said section and inserting in place thereof the following:

77-B:10 Who Must Withhold. Every employer, as defined under the laws of the United States in effect April 26, 1947, with respect to income tax collected at its source, employing any person liable for a tax pursuant to the provisions of this chapter shall deduct and withhold upon wages paid to said employee, a tax equal to four percent of such wages subject to the provisions of RSA 77-B:13.

57:12 Repeal of Tax on Forest Products. RSA 73:11, 12, 13, 14, 15, and 16 relative to a tax on forest products is hereby repealed as of March 31, 1970.

57:13 Return to Cities and Towns. Amend RSA 31-A:2 (supp) as inserted by 1970, 5:16 by inserting in line ten after the letters and numerals

"RSA 73:26" the words (the tax on forest products under RSA 73:11 through 16 inclusive) so that said section as amended shall read as follows:

31-A:2 Calculation and Certification of Basis for Return of Revenue. Prior to October 1, 1970 the tax commission shall calculate and certify to the state treasurer the amounts collected by each city and town under 1969 assessments of the following taxes: the tax on machinery under RSA 72:7; the tax on stock in trade under RSA 72:15, I; the tax on neat stock under RSA 72:15, V; the tax on poultry under RSA 72:15, VII; the tax on motor vehicle fuel pumps and tanks under RSA 72:15, VIII; the tax on certain machinery under RSA 72:15, IX; the tax on domestic rabbits under RSA 72:15, X; the tax on fur bearing animals under RSA 72:16; the tax on portable mills under RSA 72:17; the tax on studhorses and jackasses under RSA 73:26; the tax on forest products under RSA 73:11 through 16 inclusive.

57:14 Debt Limits. Amend RSA 33:4-b (supp) as inserted by 1955, 329:1 and amended by 1957, 120:4; 1959, 209:4 and 1970, 5:6 by striking out the same and inserting in place thereof the following: **33:4-b Debt Limit; Computation.** The debt limitations hereinbefore prescribed, except for counties, shall be based upon the applicable last locally assessed valuation of the municipality as last equalized by the tax commission, and shall include the equalized value of property formally taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27 and 73:11 through 16 inclusive, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures, revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 special session of the general court, as amended, as determined under the provisions of RSA 71:11, V, as amended. Whenever several municipalities possessing the power to incur indebtedness cover or extend over identical territory, each such municipality shall so exercise the power to incur indebtedness under the foregoing limitations so that the aggregate net indebtedness of such municipalities shall not exceed nine and seventy-five hundredths (9.75) percent of the valuation of the taxable property as hereinbefore determined, except as provided for cooperative school districts under RSA 195:6. A written certificate of the tax commission, signed by any member thereof, shall be conclusive evidence of the base valuation of municipalities for computing debt limits hereunder.

57:15 Equalization. Amend RSA 71:11, V (supp) as amended by 1957, 102:1; 1967, 327:2; and 1970, 5:7 by striking out the same and inserting in place thereof the following: **V. Equalization.** In every even-numbered year to equalize the valuation of the property in the several towns, cities and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property as assessed in towns, cities and unincorporated places such sums as will bring such valuations to the true and market value of said property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 63:27 and 73:11 through 16 inclusive, all as amended, which were relieved from taxation by 'An Act imposing a business profits tax, repealing certain taxes, providing transitional measures,

revising the rate of certain taxes, and providing for return of revenue to cities and towns,' enacted by the 1970 special session of the general court, as amended, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA chapter 31-A, and by making such adjustments in the value of other property from which the towns, cities and unincorporated places receive taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just as between them.

57:16 Transfer of Office of Planning Funds. Amend section 2 of an act transferring the office of planning to the governor's office passed by the 1970 session of the general court by striking out the same and inserting in place thereof the following: **53:2 Transfer of Funds.** All monies appropriated to the office of planning and research, division of economic development, department of resources and economic development and all monies available to it from any source is hereby transferred to the office of state planning, in the office of the governor, except for those monies appropriated by the budget of said department for the aforementioned positions of two resources planners, this money is hereby transferred to the office of commissioner, department of resources and economic development.

57:17 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 58.

JOINT RESOLUTION NAMING THE DAVID WAYNE HILDRETH DAM.

Resolved by the Senate and House of Representatives in General Court convened:

The dam designated site number two, on Berry Brook, on the Baker River Soil Conservation Project in the town of Warren, Grafton County is named David Wayne Hildreth Dam and the department of water resources is directed to obtain and affix an appropriate plaque to said dam evidencing the same. Suitable public dedication services shall be held July 4, 1970 by the Warren Old Home Day Committee and a copy of this resolution shall be transmitted to the family of David Wayne Hildreth.

[Approved April 16, 1970.]

CHAPTER 59.

JOINT RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR THE INTEREST AND DIVIDENDS TAX DIVISION OF THE STATE TAX COMMISSION.

Resolved by the Senate and House of Representatives in General Court convened:

The sum of nine thousand two hundred and four dollars is hereby appropriated for the fiscal year ending June 30, 1970 to be expended by

the state tax commission for the salary and equipment for an additional tax forms examiner, an additional machine operator and for additional expenses in the interest and dividends tax division as follows:

Tax forms examiner	\$800.00
Machine operator	1,150.00
Secretarial desk	160.00
Secretarial chair	40.00
Typewriter	500.00
1 Calculator	600.00
2 Filing cabinets	160.00
Key tape device	450.00
Machine time rental	1,344.00
Contract programming	4,000.00
Total	<hr/> \$9,204.00

The sum of nineteen thousand four hundred and seventy-five dollars is hereby appropriated for the fiscal year ending June 30, 1971 to be expended by the state tax commission for additional expenses for the interest and dividends tax division as follows:

Tax forms examiner	\$5,555.00
Key tape device	2,160.00
Computer rental	6,240.00
Machine operator	5,520.00
Total	<hr/> \$19,475.00

The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated. [Approved April 28, 1970.]

CHAPTER 60.

JOINT RESOLUTION ESTABLISHING A COMMITTEE TO STUDY POLLUTION PROBLEMS FROM THE HANDLING OF OIL, GAS AND PETROLEUM PRODUCTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF NEW HAMPSHIRE AND RECOMMENDING LEGISLATION TO IMPLEMENT THE SAME.

Resolved by the Senate and House of Representatives in General Court convened:

There is hereby established a committee to study the problem of pollution within the territorial waters of the state, resulting from the handling, transshipment, loading or unloading of oil, gas and petroleum products by ocean vessels, or by shore installations. The committee shall consist of eight members: five shall be members of the house, appointed by the speaker, three shall be members of the senate, appointed by the president. The appointees shall include the respective chairmen of the house and senate committees on resources, recreation and development. The committee shall

elect a chairman, vice chairman and clerk from its members. The committee shall study in depth the present and potential danger to coastal and inland waters from contamination by oil, gas, and petroleum products and recommend means for controlling and safely handling these contaminants. They shall hold public hearings in the course of their study to receive testimony and information as often and where they see fit. They shall report to the general court on or before January 15, 1971, with their recommendations, including any proposed legislation for fixing duties, responsibilities and liabilities of vessels and land based facilities handling oil, gas, and petroleum products. They shall also recommend means of financing the enforcement of such legislation.

[Approved April 28, 1970.]

CHAPTER 61.

JOINT RESOLUTION ESTABLISHING A COMMISSION TO RECOMMEND CHANGES IN THE COUNCILOR DISTRICTS.

Resolved by the Senate and House of Representatives in General Court convened:

There is hereby established a commission to study and to make recommendations relative to redistricting the five councilor districts based on the 1970 federal census that they may conform to all statutory and constitutional requirements. Said commission shall be composed of ten members. The speaker of the house shall appoint five members of the house of representatives, one from each councilor district and of said five members two shall be members of the minority party. The president of the senate shall appoint five members of the senate, one from each councilor district and of said five members two shall be members of the minority party. To accomplish its purposes as provided herein the commission shall have full authority to accept any available assistance in its work and to employ such assistants as it may deem necessary and shall have full power and authority to request information from all governmental departments and agencies. Further, the said commission is hereby authorized to apply for and receive for expenditure for the purposes of this resolution any federal or private gifts or grants as the same may become available and such private funds when received shall be deemed a contribution to the state for a public purpose within the meaning of any federal or state laws relative to tax exemptions. It shall make a report of its findings and recommendations to the general court not later than January 15, 1971.

[Approved May 4, 1970.]

PRIVATE ACTS

CHAPTER 62.

AN ACT VALIDATING THE MARRIAGE OF ALFRED AND MARIE-ANNE LANGLOIS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

62:1 Marriage Validated. Notwithstanding any statute to the contrary, Alfred Langlois and Marie-Anne Langlois of Berlin, New Hampshire who have lived together as husband and wife since October 15, 1928, are hereby declared to be legally married, and to have been legally married since October 15, 1928. Any issue of Alfred Langlois and Marie-Anne Langlois are hereby declared to be legitimate.

62:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 2, 1970.]

[Effective date June 1, 1970.]

CHAPTER 63.AN ACT RELATIVE TO RETIREMENT CREDITS FOR TERESA B. DEMARAIS
AND PAUL HARTIGAN.

WHEREAS, Teresa B. Desmarais had been a member of the state employees retirement system and had been allowed prior service credit and

WHEREAS, she left the employ of the city of Portsmouth and had withdrawn her contributions in 1954 but then returned to employment by the city of Portsmouth in 1956 and joined the state retirement system in 1961 and

WHEREAS, Paul Hartigan, a member of the policemen's retirement system, left state service in 1961, but returned to state service in 1965 and again joined the police retirement system, now therefor

Be it Enacted by the Senate and House of Representatives in General Court convened:

63:1 Retirement Credit. Notwithstanding any provisions of RSA 100 Teresa B. Demarais shall be entitled to receive retirement credit for all prior service in the employ of the city of Portsmouth provided she elects to make all payments to the state employees retirement system which she would have been required to make had she not withdrawn as a member of said system and had she joined the system in 1956 and provided the city of Portsmouth makes the necessary contributions to cover said periods.

63:2 Repeal. The provisions of 1969, 615:2, relative to the said Teresa B. Demarais, are hereby repealed.

63:3 Retirement Credits. Notwithstanding any provisions of RSA 103 Paul Hartigan shall be entitled to receive retirement credit for his prior

service for the state from January 3, 1955, to October 27, 1961, provided he elects to make all payments to the policemen's retirement system which he would have been required to make had he not withdrawn from said system.

63:4 Effective Date. This act shall take effect upon its passage.

[Approved April 21, 1970.]

[Effective date April 21, 1970.]

CHAPTER 64.

AN ACT RELATIVE TO THE DATES FOR THE COLLECTION OF TAXES IN THE CITY OF PORTSMOUTH AND PROVISIONS FOR A REFERENDUM VOTE THEREON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

64:1 City of Portsmouth. Notwithstanding any general provisions of law the collection of taxes in the city of Portsmouth shall be governed by the following provisions:

I. Taxes assessed as of April 1, 1970, are to be due and payable on or before December 1, 1970. Taxes assessed as of April 1, 1970 shall be assessed for a single eighteen month accounting period running from January 1, 1971, to June 30, 1972. The city shall budget its receipts and expenditures, raise and appropriate revenues on the basis of said single eighteen month period. Taxes for said eighteen month period are to be paid as follows: On June 1, 1971, a payment on the taxes for said period shall be due and payable which will equal one-half the amount of taxes paid on the 1970 assessment, if any; a second payment shall be due and payable on or before December 1, 1971, which will be equal to two-thirds of the assessment made for April 1, 1971, less the amount of the payment due June 1, 1971; and the balance of the taxes due on the then current assessment shall be due and payable on or before June 1, 1972. Taxes assessed as of April 1, 1972, and in all subsequent years shall be due and payable as follows: One-half on or before December 1, 1972, and one-half on or before June 1, 1973.

II. Interest. Interest at six percent on taxes assessed in the city of Portsmouth as provided in paragraph I shall be charged upon all taxes, except poll taxes, not paid on or before the due date as set forth in said paragraph I, which shall be collected from that date with the taxes as incident thereto.

64:2 Referendum. This act shall not take effect unless it is adopted by a majority vote of those present and voting at a special municipal meeting in the city of Portsmouth to be warned to be held on November 3, 1970, as hereinafter provided. For said special municipal meeting the city clerk then in office shall prepare a special ballot with the following question thereon: "Shall the provisions of an act relative to the dates for collection of taxes in the city of Portsmouth, as enacted by the 1970 special session of the general court, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each

such word in which the voter may indicate his choice. The referendum shall be conducted in every way, except as otherwise herein provided, in the same way as the election of officers. If a majority of those present and voting on this question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said referendum the city clerk shall certify to the secretary of state the results of said vote.

64:3 Effective Date. The provisions of section 2 shall take effect upon the passage of this act and if the act is adopted at the special municipal meeting in November, 1970, the remainder of this act shall take effect as of said date of adoption.

[Approved April 28, 1970.]

[Effective date. Section 2 effective on April 28, 1970; remainder of act effective if act adopted at special meeting in November 1970.]

CHAPTER 65.

AN ACT LEGALIZING THE PROCEEDINGS AT THE TOWN MEETING OF MARCH 10, 1970
IN THE TOWN OF GOSHEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

65:1 Proceedings Legalized. The votes and proceedings of the annual town meeting on March 10, 1970, in the town of Goshen, including but not limited to the vote on the adoption of the zoning ordinance as proposed by the planning board, are hereby legalized, ratified and confirmed.

65:2 Effective Date. This act shall take effect upon its passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 66.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING OF THE TOWN OF
GILMANTON HELD MARCH 10, 1970.

Be it Enacted by the Senate and House of Representatives in General Court convened:

66:1 Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of Gilmanton on March 10, 1970 are hereby legalized, ratified and confirmed.

66:2 Effective Date. This act shall take effect upon its passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 67.

AN ACT LEGALIZING THE ANNUAL MEETING HELD MARCH 10, 1970 IN THE TOWN OF EASTON

Be it Enacted by the Senate and House of Representatives in General Court convened:

67:1 Proceedings Legalized. The votes and proceedings, including but not limited to votes on a zoning ordinance, at the annual town meeting in the town of Easton, held March 10, 1970, are hereby legalized, ratified and confirmed.

67:2 Effective Date. This act shall take effect upon its passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 68.

AN ACT RELATIVE TO THE COOPERATIVE SCHOOL DISTRICT NO. 1 OF THE TOWN OF DERRY AND LEGALIZING THE SCHOOL DISTRICT MEETINGS OF THE TOWNS OF EASTON, FRANCONIA, AND SUGAR HILL AND LEGALIZING THE FORMATION OF THE LAFAYETTE REGIONAL SCHOOL DISTRICT, AND DISSOLVING THE CHARTER OF THE DANIEL WEBSTER JUNIOR COLLEGE AND TRANSFERRING ALL ITS RIGHTS AND DEGREE GRANTING AUTHORITY TO NEW ENGLAND AERONAUTICAL INSTITUTE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

68:1 Foundation Aid. The Cooperative School District No. 1 of the town of Derry shall receive and be credited with the total amount of state aid, provided by RSA 198:8, 9, 10, 10-a and 10-b to which pupils attending the cooperative district would have entitled the pre-existing districts, had they remained in the pre-existing districts.

68:2 Proceedings Legalized. All the votes and proceedings of the annual school meetings March 5, 1970 of the Easton, Franconia and Sugar Hill school districts are hereby legalized, ratified and confirmed, including but not limited to the adoption of the articles of agreement of the Lafayette Regional School District.

68:3 Legalizing the Formation of the Lafayette Regional School District. All actions, votes and proceedings taken to organize the Lafayette Regional School District pursuant to RSA 195 as amended, are hereby legalized, ratified, and confirmed.

68:4 Corporation Dissolved; Name and Degree Granting Authority Transferred. The charter of the Daniel Webster Junior College, a voluntary corporation formed under the provisions of RSA 292 is hereby repealed pursuant to RSA 292:22 and the corporation thereby dissolved. The name "Daniel Webster Junior College" together with all rights to use the same is

hereby transferred to the New England Aeronautical Institute. All degree granting authority of the said Daniel Webster Junior College as provided in Laws of 1969, 552:1 is hereby transferred to the New England Aeronautical Institute.

68:5 Effective Date. This act shall take effect upon its passage.

[Approved April 28, 1970.]

[Effective date April 28, 1970.]

CHAPTER 69.

AN ACT TO LEGALIZE CERTAIN MEETINGS OF THE RYE BEACH VILLAGE DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

69:1 Proceedings Legalized. The votes and proceedings, including but not limited to any votes on zoning ordinances or amendments to any zoning ordinances, taken at the meetings of the Rye Beach Village District held as follows: (1) on September 24, 1937, (2) held on September 10, 1957, and (3) held on September 11, 1963, are hereby legalized, ratified and confirmed.

69:2 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 70.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING OF MARCH 10, 1970, IN THE TOWN OF HUDSON AND CERTAIN SPECIAL AND REGULAR TOWN MEETINGS IN THE TOWN OF LITCHFIELD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

70:1 Proceedings Legalized. The votes and proceedings at the annual town meeting of March 10, 1970, in the town of Hudson are hereby legalized, ratified, and confirmed.

70:2 Proceedings Legalized. The votes and proceedings including but not limited to any votes relative to the non expansion of mobile home parks, taken at the special town meeting of the town of Litchfield held on June 5, 1965 and the regular annual meetings of the town of Litchfield held as follows: (1) on March 8, 1966, (2) on March 14, 1967, (3) on March 12, 1968, (4) on March 11, 1969 and (5) on March 10, 1970, are hereby legalized, ratified and confirmed.

70:3 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 71.

AN ACT RELATIVE TO SICK LEAVE FOR EMPLOYEES OF THE CITY OF MANCHESTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

71:1 The City of Manchester. Amend section 1 of chapter 291 of the Laws of 1943 by striking out said section and inserting in place thereof the following: 1. **City of Manchester.** Annual accumulative sick leave for permanent municipal and school district employees shall be determined by the board of mayor and aldermen and the board of school committee respectively. Such sick leave shall not lapse.

71:2 Referendum. This act shall not take effect unless it is adopted by a majority vote of the legal voters of the city of Manchester at a special meeting of said city held on November 3, 1970. A warrant shall be posted calling for said meeting. The city clerk shall prepare a special ballot for said meeting with the following question thereon: "Shall the provisions of an act relative to sick leave for employees of the city of Manchester, as enacted by the 1970 session of the general court be adopted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative on this question this act shall be declared to have been adopted. The city clerk of Manchester shall certify to the secretary of state the result of said vote.

71:3 Effective Date. Section 2 of this act shall take effect upon its passage, and if the act is adopted at the meeting of November 3, 1970, the remainder of the act shall take effect December 1, 1970.

[Approved May 4, 1970.]

[Effective date, Section 2 shall take effect May 4, 1970, and if the act adopted at meeting of November 3, 1970, remainder of act shall take effect December 1, 1970.]

CHAPTER 72.

AN ACT LEGALIZING THE PROCEEDINGS AT THE TOWN MEETING OF MARCH 10, 1970 IN THE TOWN OF DANVILLE AND LEGALIZING A VOTE RELATIVE TO BOND ISSUE AT THE ANNUAL MEETING OF MARCH 30, 1970 OF CONWAY VILLAGE FIRE DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

72:1 Proceedings Legalized. The votes and proceedings of the annual town meeting on March 10, 1970, in the town of Danville, including but not limited to the votes on the adoption of the zoning ordinances as proposed by the planning board, are hereby legalized, ratified and confirmed.

72:2 Conway Village Fire District. The vote passed on March 30, 1970 at the annual meeting of the Conway Village Fire District whereby the

district authorized the issue of four hundred eighty-five thousand dollar bonds or notes under the municipal finance act to finance the construction of a municipal sewage disposal system is hereby legalized, ratified and confirmed in all respects.

72:3 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

CHAPTER 73.

AN ACT PROVIDING FOR A BOARD OF REGISTRARS FOR THE CITY OF NASHUA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

73:1 Board of Registrars, City of Nashua. Amend Laws of 1913, 427 part 1 by striking out sections 29 and 29-a, as inserted by 1969, 627:28 and inserting in place thereof the following new sections:

Board of Registrars

Sect. 29. The mayor, subject to confirmation of the board of aldermen, shall appoint three voters of Nashua, who shall constitute a board of registrars of voters. No more than two members of the board shall be members of the same political party. On or before January first the mayor shall appoint one registrar for a term of three years beginning January 1, provided that for the first appointments hereunder one shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each of said registrars shall hold office until his successor is appointed and has qualified. The board of registrars shall annually elect one of its members as chairman and one as clerk.

Sect. 29-a. If upon written complaint to the mayor it shall appear, after notice and hearing, that a registrar of voters has ceased to be a member of the political party which he was appointed to represent, the mayor shall remove him from office and appoint another in his stead with the approval of the board of aldermen.

Sect. 29-b. The registrars shall receive such compensation for their services as the board of aldermen may determine.

Sect. 29-c. No person shall be appointed a registrar or deputy registrar who holds any other political office, appointive or elective.

73:2 Duties. Amend Laws of 1913, 427 part 1 by striking out section 30 and inserting in place thereof the following new sections:

Sect. 30. The board of registrars of the city of Nashua is hereby empowered to appoint up to two deputy employees, who may execute any instrument required by law to be signed by a member of the board of registrars, and in the absence or disability of a member of the board of registrars shall perform all of his duties, including the registration of voters. The board of registrars are also empowered to appoint such temporary

deputy registrars as they deem necessary. Such deputy registrars shall hold office during the pleasure of the board of registrars.

Sect. 30-a. The said board of registrars or their deputies shall be in session at the city hall building, or at such other suitable place as they shall designate, for the purpose of registering voters and revising and correcting the checklist, during business hours of city hall and at such other times as they may designate.

Sect. 30-b. The registrars shall cause no additions or corrections to be made on the checklists after midnight fourteen days prior to election day.

Sect. 30-c. The registrars shall post three complete alphabetical checklists containing the names and addresses of legal voters of said ward in each ward in the city not later than thirty days prior to the date on which state or municipal, biennial or annual elections are held or any other election at which such checklists are to be used. A corrected checklist shall be posted in the same places the day before the election.

Sect. 30-d. The registrars shall keep records of all persons qualified to vote in the city in sufficient detail to identify the voters and their rights to vote. To maintain a correct list of voters the registrars may utilize the poll and head tax census taken by the city besides all other inquiries and information.

Sect. 30-e. Every qualified person who wishes to become a registered voter must apply in person for registration and prove by satisfactory evidence that he or she is qualified to vote.

Sect. 30-f. Any person who attempts fraudulently to have his name entered on the general register shall be liable to a fine not exceeding fifty dollars for each such attempt.

Sect. 30-g. If a person is not qualified to vote on or before the last day of registration but who shall clearly be qualified to vote on election day the registrars shall enter his name on the checklist on or before the last day of registration.

Sect. 30-h. If a registered voter complains to the registrars in writing under oath, fourteen days at least before an election, that the complainant believes that a person has been improperly registered, and sets forth the reasons for such belief, the registrars shall examine into such complaint. If satisfied there is sufficient ground for complaint, the registrars, after proper notice and opportunity for all persons concerned to be heard, shall rule on said complaint. The board shall have power to subpoena witnesses at public expense and to administer oaths. The person against whom such complaint is made shall have a right to a public hearing upon demand.

Sect. 30-i. All records of the board of registrars shall be open to public inspection.

Sect. 30-j. Registrars shall prepare voting lists by wards for use at elections and deliver them to the ward election officials before the opening of the polls on election day.

Sect. 30-k. The registrars shall, on the day of an election, give to a voter whose name has been omitted from the voting list by error, or whose party designation has been incorrectly designated by error, a certificate or registration authorizing him to vote. On presentation thereof to the presiding election officer of the ward in which the voter was registered, he shall

be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered part of the voting list and returned and preserved therewith. For this purpose the registrars and/or their deputies shall be in session at city hall during the hours the polls are open.

Sect. 30-l. The registrars shall, after the last day for registration for a city or state election, certify to the city clerk the number of registered voters in the city and in each ward therein.

Sect. 30-m. Any provisions of the charter of the city of Nashua referring to inspectors of checklists, not inconsistent with the provisions of this act, shall apply to the board of registrars hereby established.

73:3 Referendum. At a municipal meeting to be held in the city of Nashua on November 3, 1970, on the same date as the state biennial election is held, under a warrant to be posted therefor, the city clerk shall prepare a special ballot to be used at said meeting having thereon the following question: "Shall the provisions of an act entitled 'An Act providing for a board of registrars of voters' as enacted by the 1970 session of the general court be adopted?" Opposite this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of the voters present and voting on this question shall vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall immediately notify the secretary of state of the results of the vote provided for by this section.

73:4 Effective Date. Section 3 of this act shall take effect upon its passage and if the act is adopted at the municipal meeting on November 3, 1970, the remainder of the act shall take effect as of January 1, 1971 and the terms of office of the members of the board of inspectors of the checklist elected on the state ballot at the biennial elections held on November 3, 1970, shall expire as of January 1, 1971.

[Approved May 4, 1970.]

[Effective date, Section 3 shall take effect May 4, 1970, and if act adopted at Municipal Meeting on November 3, 1970, remainder of act shall take effect January 1, 1971.]

CHAPTER 74.

AN ACT TO LEGALIZE THE 1970 TOWN MEETING IN THE TOWN OF HAMPTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

74:1 Proceedings Legalized. The votes and proceedings of the annual town meeting on March 10, 1970 in the town of Hampton, including but not limited to the vote relative to sale of real estate previously leased, are hereby legalized, ratified and confirmed.

74:2 Effective Date. This act shall take effect upon its passage.

[Approved May 4, 1970.]

[Effective date May 4, 1970.]

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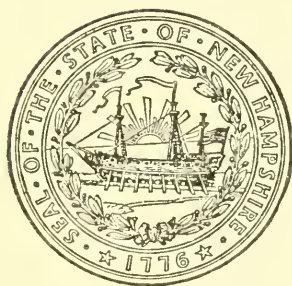
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LAWS

of the
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PASSED JANUARY 6, 1971
THROUGH JULY, 1971



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1971

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Dist. No. 3 (Albany, Eaton, Effingham, Freedom, Madison)
J. Donald Hayes, r, Madison
Dist. No. 4 (Sandwich, Tamworth)
Raymond K. Conley, Jr., r, Sandwich

Dist. No. 5 (Moultonborough, Tuftonboro)
Dorothy W. Davis, r and d, Moultonborough
Dist. No. 6 (Ossipee)
T. Anne Webster, r, Ossipee
Dist. No. 7 (Wolfeboro)
Russell C. Chase, r, Wolfeboro
Russell G. Clafin, r, Wolfeboro
Dist. No. 8 (Brookfield, Wakefield)
Roland S. Hughes, r, Brookfield

CHESHIRE COUNTY

Dist. No. 1 (Walpole)
Louis S. Ballam, r, Walpole
Edward A. Johnson, r, Walpole
Dist. No. 2 (Surry, Westmoreland)
Lawry W. Churchill, r, Westmoreland
Dist. No. 3 (Alstead, Gilsum, Marlow)
Roxie A. Forbes, r and d, Marlow
Dist. No. 4 (Dublin, Harrisville, Nelson, Stoddard, Sullivan)
C. R. Trowbridge, r, Dublin
Dist. No. 5 (Marlborough, Roxbury)
William L. Yardley, r, Roxbury
Dist. No. 6 (Jaffrey)
Homer J. Forcier, d, Jaffrey
Wilfred W. Cournoyer, d, Jaffrey
Dist. No. 7 (Troy)
Charles L. McGinness, d, Troy
Dist. No. 8 (Fitzwilliam, Rindge)
James F. Allen, r, Rindge
Dist. No. 9 (Richmond, Winchester)
Jennie B. Bennett, r and d, Richmond
Elmer L. Johnson, r, Winchester
Dist. No. 10 (Hinsdale)
Alf H. Halvorson, r and d, Hinsdale

Dist. No. 11 (Swanzy)
John R. Coughlin, r, Swanzy
Janet W. Dunham, r, Swanzy
Jacob M. Hackler, r, Swanzy
Dist. No. 12 (Chesterfield)
James E. O'Neil, r, Chesterfield
Dist. No. 13 (Keene, Ward 1)
Robert L. Mallat, Jr., d, Keene
Sumner W. Raymond, r, Keene
Richard O. Vogel, r, Keene
Dist. No. 14 (Keene, Ward 2)
H. Robie Ames, r, Keene
Michael J. Saunders, d, Keene
Dist. No. 15 (Keene, Ward 3)
Cleon E. Heald, r, Keene
Bernard A. Streeter, r, Keene
Dist. No. 16 (Keene, Ward 4)
*Lawrence H. MacKenzie, r, Keene
Philip D. Moran, r, Keene
Dist. No. 17 (Keene, Ward 5)
Sheldon L. Barker, Sr., r, Keene
Richard E. Cummings, r, Keene
Harold F. Drew, r, Keene

*Resigned. Replaced by R. J. Shortlidge, Jr., d and r, Keene

COOS COUNTY

Dist. No. 1 (Clarksville, Colebrook, Columbia, Dixville, Pittsburg, Stewartstown)
Roland S. Cook, r, Stewartstown
Harry F. Huggins, r, Pittsburg
*Chester D. Noyes, r, Stewartstown
Dist. No. 2 (Erving's Grant, Northumberland, Odell, Stark, Stratford)
Walter O. Bushey, d, Northumberland
Roger L. Hunt, d and r, Stratford
Robert Mayhew, d and r, Northumberland

Dist. No. 3 (Kilkenny, Lancaster)
Arthur M. Drake, r, Lancaster
Dana H. Lee, r, Lancaster
Dist. No. 4 (Whitefield)
Harold W. Burns, r and d, Whitefield
Dist. No. 5 (Gorham)
Richard E. O'Hara, d and r, Gorham
Otto H. Oleson, d, Gorham
Dist. No. 6 (Berlin, Ward 1)
Leon T. Dubey, d, Berlin
Guy J. Fortier, d, Berlin
Edgar J. Roy, d, Berlin

- Dist. No. 7 (Berlin, Ward 2)
 Romeo A. Desilets, d, Berlin
 George T. Studd, d, Berlin
 Elmer H. York, d, Berlin
- Dist. No. 8 (Berlin, Ward 3)
 Hilda C. F. Brungot, r, Berlin
 Percy W. McCuin, r, Berlin
 George W. Oswell, r, Berlin
- Dist. No. 9 (Berlin, Ward 4)
 Arthur A. Bouchard, d and r, Berlin
 Rebecca A. Gagnon, d, Berlin
 Romeo J. Theriault, d, Berlin
- Dist. No. 10 (Atkinson-Gilmanton Academy Grant, Bean's Grant, Bean's Purchase, Cambridge, Chandler's Pur-

- chase, Crawford's Purchase, Cutt's Grant, Dix's Grant, Dummer, Errol, Green's Grant, Hadley's Purchase, Low and Burbank's Grant, Martin's Location, Milan, Millsfield, Pinkham's Grant, Sargent's Purchase, Second College Grant, Shelburne, Success, Thompson and Meserve's Purchase, Wentworth's Location)
 Victor L. Kidder, r and d, Shelburne
- Dist. No. 11 (Carroll, Dalton, Jefferson, Randolph)
 Mabel L. Richardson, r and d, Randolph

GRAFTON COUNTY

- Dist. No. 1 (Bethlehem, Littleton)
 Van H. Gardner, r and d, Littleton
 Marcia Tefft Rich, r and d, Littleton
 Malcolm J. Stevenson, r, Bethlehem
 John H. Tilton, r, Littleton
- Dist. No. 2 (Easton, Franconia, Woodstock)
 Wayne G. Higgins, r, Woodstock
- Dist. No. 3 (Lincoln, Livermore)
 Edna B. McGee, d and r, Lincoln
- Dist. No. 4 (Lisbon, Sugar Hill)
 George Brummer, d, Lisbon
- Dist. No. 5 (Bath, Benton, Landaff, Lyman, Monroe)
 Nelson H. Chamberlin, r, Bath
- Dist. No. 6 (Haverhill)
 Paul I. LaMott, r, Haverhill
 Ezra B. Mann II, r, Haverhill
- Dist. No. 7 (Piermont, Warren, Wentworth)
 Fayne E. Anderson, r, Warren
- Dist. No. 8 (Lyme, Orford)
 John A. Menge, d, Lyme
- Dist. No. 9 (Hanover)
 David Hammond Bradley, r and d, Hanover
 David C. Nutt, r and d, Hanover
 Laurence I. Radway, d, Hanover
- Dist. No. 10 (Alexandria, Bridgewater,

- Dorchester, Grafton, Groton, Hebron, Orange)
 John K. Gemmill, r, Hebron
- Dist. No. 11 (Lebanon, Ward 1)
 Robert G. Dow, r, Lebanon
 Carl P. Foster, r, Lebanon
- Dist. No. 12 (Lebanon, Ward 2)
 Roger M. Duhaime, d, Lebanon
 Wilfred J. Tremblay, d, Lebanon
- Dist. No. 13 (Lebanon, Ward 3)
 Frances B. Dudley, r and d, Lebanon
 Shirley K. Merrill, r, Lebanon
- Dist. No. 14 (Canaan)
 Carl F. Altman, d, Canaan
- Dist. No. 15 (Enfield)
 Arthur W. Blain, r, Enfield
- Dist. No. 16 (Bristol)
 Ernest C. Hopkins, r, Bristol
- Dist. No. 17 (Ashland)
 Harold V. Buckman, r and d, Ashland
- Dist. No. 18 (Plymouth)
 Kenneth G. Bell, r, Plymouth
 Madison W. Sears, r, Plymouth
- Dist. No. 19 (Campton, Ellsworth, Holderness, Rumney, Thornton, Waterville Valley)
 Richard L. Bradley, r, Thornton
 Lester E. Mitchell, Sr., r, Campton

HILLSBOROUGH COUNTY

- Dist. No. 1 (Antrim, Bennington)
 Howard S. Humphrey, Sr., r, Antrim
- Dist. No. 2 (Deering, Hillsborough, Windsor)
 Joseph M. Eaton, r and d, Hillsborough
 Richard W. Withington, Sr., r and d, Hillsborough
- Dist. No. 3 (Weare)
 Frank N. Sawyer, r, Weare

- Dist. No. 4 (Goffstown)
 Roland A. Barnard, d, Goffstown
 Alice Tirrell Knight, r, Goffstown
 Robert B. Monier, r, Goffstown
 Barbara S. Poehlman, d, Goffstown
 *Charles A. Weilbrenner, d, Goffstown
- Dist. No. 5 (Francetown, New Boston)
 Marjorie D. Colburn, r, New Boston
- Dist. No. 6 (Greenfield, Hancock)
 Albert Daloz, r, Hancock

Dist. No. 7 (Peterborough, Sharon)
 Arthur F. Mann, r, Peterborough
 Fred E. Murray, r, Peterborough
 Dist. No. 8 (New Ipswich)
 Theodore H. Karnis, r, New Ipswich
 Dist. No. 9 (Greenville)
 Clyde S. Eaton, r, Greenville
 Dist. No. 10 (Lyndeborough, Temple, Wilton)
 Philip C. Heald, Jr., r, Wilton
 Edward G. Warren, r, Lyndeborough
 Dist. No. 11 (Milford)
 Malcolm M. Carter, r, Milford
 Roscoe N. Coburn, r and d, Milford
 Charles W. Ferguson, Jr., r, Milford
 Dist. No. 12 (Amherst, Mont Vernon)
 Orson H. Bragdon, r, Amherst
 Kenneth W. Spalding, Jr., r, Amherst
 Dist. No. 13 (Brookline, Hollis, Mason)
 Daniel Brocklebank, r, Hollis
 Beatrice B. Hall, r, Brookline
 Dist. No. 14 (Nashua, Ward 1)
 Gloria Belzil, d, Nashua
 Maurice L. Bouchard, r, Nashua
 Dist. No. 15 (Nashua, Ward 2)
 Marshall W. Cobleigh, r and d, Nashua
 Gerry F. Parker, d, Nashua
 Louis D. Record, Jr., r, Nashua
 Dist. No. 16 (Nashua, Ward 3)
 Agenor Belcourt, d, Nashua
 Romeo R. Lesage, d, Nashua
 Hector Trombley, d, Nashua
 Dist. No. 17 (Nashua, Ward 4)
 Peter R. Cote, d, Nashua
 A. Theresa Drabinowicz, d, Nashua
 Samuel F. Mason, d, Nashua
 Dist. No. 18 (Nashua, Ward 5)
 William A. Desmarais, d, Nashua
 Cleon J. Gardner, d, Nashua
 Henry J. Lachance, d, Nashua
 Dist. No. 19 (Nashua, Ward 6)
 Francis J. Chamard, d, Nashua
 Margaret S. Cote, d, Nashua
 Robert O'Neil, d, Nashua
 Dist. No. 20 (Nashua, Ward 7)
 Adelard J. Aubut, d, Nashua
 Wilfrid A. Boisvert, d, Nashua
 Oscar Grandmaison, d, Nashua
 Dist. No. 21 (Nashua, Ward 8)
 Donald C. Davidson, r, Nashua
 Romeo Ouellette, r, Nashua
 Leo O. Sirois, r, Nashua
 Dist. No. 22 (Nashua, Ward 9)
 Oscar P. Bissonnette, d, Nashua
 Ernest R. Coutermarsh, d, Nashua
 Robert L. Gabriel, d, Nashua
 Dist. No. 23 (Nashua)
 Stanley Alukonis, d, Hudson
 John M. Bednar, d, Hudson

Phyllis M. Keeney, r, Hudson
 G. Philip Rodgers, r, Hudson
 Dist. No. 24 (Pelham)
 Miles J. Cares, d, Pelham
 Arthur H. Peabody, d, Pelham
 Dist. No. 25 (Merrimack)
 Donald R. Dwyer, d, Merrimack
 Elaine T. Lyons, r, Merrimack
 Dist. No. 26 (Bedford, Litchfield)
 John F. Bridges, r and d, Bedford
 John C. Harvell, r and d, Bedford
 Anna S. VanLoan, r and d, Bedford
 Dist. No. 27 (Manchester, Ward 1)
 Frances J. Abbott, r and d, Manchester
 Greta M. Ainley, r and d, Manchester
 Forsaith Daniels, r, Manchester
 George A. Lang, r, Manchester
 Norman F. Milne, Jr., r, Manchester
 Kimon S. Zachos, r and d, Manchester
 Dist. No. 28 (Manchester, Ward 2)
 Elmer R. Ackerson, Sr., r and d, Manchester
 Gerald J. Barrett, d, Manchester
 C. Edward Bourassa, d, Manchester
 J. Henry Montplaisir, r and d, Manchester
 Francis Murphy, r and d, Manchester
 Dist. No. 29 (Manchester, Ward 3)
 George A. Bruton, d, Manchester
 Joseph L. Cote, d, Manchester
 Leo L. Dion, d, Manchester
 Armand L. Duhaime, d, Manchester
 Dist. No. 30 (Manchester, Ward 4)
 William J. Cullity, d and r, Manchester
 Walter F. McDermott, d and r, Manchester
 John L. Welch, d and r, Manchester
 Dist. No. 31 (Manchester, Ward 5)
 Thomas E. Manning, d, Manchester
 Chris Spirou, d, Manchester
 Edward J. Walsh, d, Manchester
 Dist. No. 32 (Manchester, Ward 6)
 William F. Barrett, d, Manchester
 Edward D. Clancy, d, Manchester
 Daniel J. Healy, d, Manchester
 Joseph Lomazzo, d, Manchester
 John T. Lynch, d, Manchester
 William J. McDonough, d, Manchester
 Dist. No. 33 (Manchester, Ward 7)
 Emile E. Boisvert, d, Manchester
 Charles J. Leclerc, d, Manchester
 *Joseph A. Martel, d, Manchester
 Andre J. Simard, d, Manchester
 Dist. No. 34 (Manchester, Ward 8)
 Herman Campono, d, Manchester
 Edward Champagne, d, Manchester
 Michel Chevrete, d, Manchester
 Ernest Derome, d, Manchester

*Deceased. Replaced by Olga Sysyn, r, Manchester

Armand J. Lemieux, d, Manchester
 Robert E. Raiche, d, Manchester
 Roland J. St. Onge, d, Manchester
Dist. No. 35 (Manchester, Ward 9)
 Robert L. Robinson, d, Manchester
Dist. No. 36 (Manchester, Ward 10)
 Gerard H. Belanger, d, Manchester
 Doris T. Lynch, d, Manchester
 James P. O'Connor, d, Manchester
 James A. Sweeney, Jr., d, Manchester
Dist. No. 37 (Manchester, Ward 11)
 Daniel J. Clear, d, Manchester
 Catherine G. Lamy, d, Manchester
 Dennis J. Murphy, d, Manchester
Dist. No. 38 (Manchester, Ward 12)

Alphonse Levasseur, a, Manchester
 Albert R. Martineau, d, Manchester
 **Joseph C. Nalette, d, Manchester
Dist. No. 39 (Manchester, Ward 13)
 Edmond Allard, d, Manchester
 Arthur Brunelle, d, Manchester
 Lucien G. Lambert, d, Manchester
 Josaphat Lavallee, d, Manchester
 Origene E. Lesmerises, d, Manchester
Dist. No. 40 (Manchester, Ward 14)
 John A. Burke, d, Manchester
 Emmett J. Grady, d, Manchester
 Timothy K. O'Connor, d, Manchester
 Marcel A. Vachon, d, Manchester

**Deceased.

MERRIMACK COUNTY

Dist. No. 1 (New London)
 William T. Andrews, r, New London
Dist. No. 2 (Bradford, Newbury, Sutton)
 Kenneth L. Sherman, r, Newbury
Dist. No. 3 (Warner, Webster)
 L. Waldo Bigelow, Jr., r, Warner
Dist. No. 4 (Henniker)
 Christopher C. Hardy, r, Henniker
Dist. No. 5 (Dunbarton, Hopkinton)
 Harry C. Parker, r, Hopkinton
 Samuel Reddy, Jr., r, Hopkinton
Dist. No. 6 (Bow)
 Richard D. Hanson, r, Bow
Dist. No. 7 (Hooksett)
 Edward H. Enright, r, Hooksett
 Doris J. Riley, d and r, Hooksett
Dist. No. 8 (Allentown)
 Ovila Gamache, d, Allentown
Dist. No. 9 (Pembroke)
 George E. Gordon III, r, Pembroke
 Fred D. Little, r, Pembroke
Dist. No. 10 (Chichester, Epsom)
 Clarence E. Bartlett, r and d, Epsom
Dist. No. 11 (Pittsfield)
 Fred Avery, r and d, Pittsfield
 John H. Perkins, Jr., d, Pittsfield
Dist. No. 12 (Canterbury, Loudon)
 George D. Kopperl, r and d, Canterbury
Dist. No. 13 (Northfield)
 Doris L. Thompson, r, Northfield
Dist. No. 14 (Franklin, Ward 1)
 Joseph Burleigh, r, Franklin
Dist. No. 15 (Franklin, Ward 2)
 John P. Dempsey, d, Franklin
 *Wiggin S. Gilman, d, Franklin
Dist. No. 16 (Franklin, Ward 3)
 John Chapley, d, Franklin
 A. Stephen Greeley, r, Franklin

Dist. No. 17 (Boscawen)
 Russell C. Mattice, r, Boscawen
Dist. No. 18 (Andover, Salisbury)
 James A. Humphrey, r, Andover
Dist. No. 19 (Danbury, Hill, Wilmot)
 John R. Michels, r and d, Danbury
Dist. No. 20 (Concord, Ward 1)
 Milton A. Cate, r, Concord
 Edward H. York, d and r, Concord
Dist. No. 21 (Concord, Ward 2)
 Alice Davis, r, Concord
Dist. No. 22 (Concord, Ward 3)
 Martin R. Haller, r, Concord
Dist. No. 23 (Concord, Ward 4)
 Charles H. Cheney, Sr., r, Concord
 Susan N. McLane, r, Concord
 Donald Miner, r and d, Concord
Dist. No. 24 (Concord, Ward 5)
 Charles M. Filides, r, Concord
 Barbara J. Underwood, r and d, Concord
Dist. No. 25 (Concord, Ward 6)
 Wilfred B. Howland, r, Concord
 Maurice B. MacDonald, r, Concord
 Horace W. Sanders, r, Concord
 Ralph W. Wilson, r, Concord
Dist. No. 26 (Concord, Ward 7)
 Roland F. Fuller, r, Concord
 William F. Glavin, r, Concord
 C. Edwin Howard, r, Concord
 Eugene H. Woodward, Jr., r, Concord
Dist. No. 27 (Concord, Ward 8)
 John H. Noble, r, Concord
 Shirley B. Welch, r and d, Concord
Dist. No. 28 (Concord, Ward 9)
 Kenneth M. Tarr, d, Concord

*Deceased. Replaced by Donald J. Piper, d, Franklin

ROCKINGHAM COUNTY

- Dist. No. 1 (Deerfield, Northwood, Nottingham)
 John T. Fernald, r, Nottingham
 John H. Stimmell, r, Northwood
- Dist. No. 2 (Candia)
 Helen F. Wilson, r and d, Candia
- Dist. No. 3 (Auburn)
 Margaret A. Griffin, r, Auburn
- Dist. No. 4 (Londonderry)
 William P. Boucher, r and d, Londonderry
 Earle L. Soule, r and d, Londonderry
- Dist. No. 5 (Derry)
 Ferne P. Adams, r, Derry
 Charles H. Gay, r, Derry
 Herbert L. MacGregor, r, Derry
 Maurice W. Read, r, Derry
 Kenneth L. Senter, r, Derry
- Dist. No. 6 (Windham)
 Kenneth C. Lovell, r, Windham
- Dist. No. 7 (Salem)
 Laurence N. Belair, d, Salem
 Jeanette Gelt, r, Salem
 Bessie M. Morrison, r, Salem
 Robert Emmett O'Neil, d, Salem
 James A. Sayer, r, Salem
 Philip A. Smith, r, Salem
- Dist. No. 8 (Atkinson, Kingston)
 Ernest D. Clark, r, Kingston
 George W. White, Sr., r, Atkinson
- Dist. No. 9 (Plaistow)
 Mildred L. Palmer, r, Plaistow
 Annie Mae Schwaner, r, Plaistow
- Dist. No. 10 (Hampstead)
 Doris M. Spollett, r, Hampstead
- Dist. No. 11 (Danville, Fremont, Sandown)
 Charles Everett Cummings, r, Danville
- Dist. No. 12 (Chester, Raymond)
 Richardson D. Benton, r, Chester
 J. Henry Greenwood, r, Raymond
- Dist. No. 13 (Brentwood, Epping)
 Vera E. Goodrich, r, Epping
 Mary T. Vey, r, Brentwood
- Dist. No. 14 (Newmarket)
 F. Albert Sewall, d, Newmarket
 John Twardus, d, Newmarket
- Dist. No. 15 (Newfields, Stratham)
 W. Douglas Scamman, Jr., r, Stratham

- Dist. No. 16 (Exeter)
 Lyman E. Collishaw, r, Exeter
 Edwin W. Eastman, r, Exeter
 F. Leroy Junkins, r, Exeter
 Henry H. Page, r, Exeter
 Robert W. Varrill, r, Exeter
- Dist. No. 17 (East Kingston, Seabrook, South Hampton)
 Stanley A. Hamel, r, Seabrook
 Anthony T. Randall, r, Seabrook
- Dist. No. 18 (Newton)
 George L. Cheney, r and d, Newton
- Dist. No. 19 (Hampton Falls, Kensington)
 Marguerite B. Fiske, r, Hampton Falls
- Dist. No. 20 (Hampton)
 Herbert A. Casassa, r, Hampton
 Wilfred R. Cunningham, r, Hampton
 Edmund Langley, Jr., r, Hampton
- Dist. No. 21 (North Hampton)
 James F. Leavitt, r, North Hampton
- Dist. No. 22 (New Castle, Rye)
 Elizabeth A. Greene, r, Rye
 Ralph F. Hammond, r, Rye
 Richard S. Lockhart, r, New Castle
- Dist. No. 23 (Greenland, Newington)
 Edna B. Weeks, r, Greenland
- Dist. No. 24 (Portsmouth, Ward 1)
 Mary E. Keefe, d, Portsmouth
 Ralph C. Maynard, d, Portsmouth
 Archie D. McEachern, d, Portsmouth
- Dist. No. 25 (Portsmouth, Ward 2)
 James A. Chandler, r, Portsmouth
 Ruth L. Griffin, r, Portsmouth
 Jeremiah Quirk, r, Portsmouth
- Dist. No. 26 (Portsmouth, Ward 3)
 Thomas P. Connors, d, Portsmouth
 C. Cecil Dame, r, Portsmouth
 William Palfrey, r, Portsmouth
- Dist. No. 27 (Portsmouth, Ward 4)
 Raimond Bowles, r, Portsmouth
 J. Walter Jameson, r, Portsmouth
- Dist. No. 28 (Portsmouth, Ward 5)
 Richard S. Levy, r, Portsmouth
 Gerald G. Woods, d, Portsmouth
- Dist. No. 29 (Portsmouth, Ward 6)
 *Wayne T. Bowlen, d, Portsmouth
 Shirley M. Croft, d, Portsmouth

*Resigned

STRAFFORD COUNTY

- Dist. No. 1 (Middleton, Milton)
 F. Everett McIntire, d, Milton

- Dist. No. 2 (Farmington, New Durham, Strafford)
 Ernest B. Brown, r, Strafford

Ralph W. Canney, r, Farmington
 Elmer C. Smith, r, New Durham
Dist. No. 3 (Barrington, Madbury)
 Douglas M. Stevenson, r, Barrington
Dist. No. 4 (Durham, Lee)
 John A. Beckett, r, Durham
 Shirley M. Clark, r, Lee
 Alexander Cochran, r, Durham
 Loring V. Tirrell, r, Durham
Dist. No. 5 (Rollinsford)
 Grace L. Joncas, d, Rollinsford
Dist. No. 6 (Somersworth, Ward 1)
 Helen Maloomian, d, Somersworth
Dist. No. 7 (Somersworth, Ward 2)
 Eugene J. Habel, d, Somersworth
Dist. No. 8 (Somersworth, Ward 3)
 Peter N. Chasse, d, Somersworth
 Roland N. Hebert, d, Somersworth
Dist. No. 9 (Somersworth, Wards 4 & 5)
 Henry Boire, d, Somersworth
 Roland W. Dumais, d, Somersworth
Dist. No. 10 (Rochester, Ward 1)
 Paul R. Towle, r, Rochester
Dist. No. 11 (Rochester, Ward 2)
 John H. Ineson, r, Rochester
 Barbara C. Thompson, r, Rochester
Dist. No. 12 (Rochester, Ward 3)
 Edgar J. Carignan, d, Rochester
 Alfred J. Ruel, d, Rochester

Dist. No. 13 (Rochester, Ward 4)
 Leo E. Beaudoin, d, Rochester
 Donald Sylvain, d, Rochester
Dist. No. 14 (Rochester, Ward 5)
 Ralph W. Dunlap, r, Rochester
 Howell F. Preston, r, Rochester
Dist. No. 15 (Rochester, Ward 6)
 Sandra J. Balomenos, r, Rochester
 J. Thornton Tripp, r, Rochester
Dist. No. 16 (Dover, Ward 1)
 Alice F. Blanchette, d, Dover
 Max W. Leighton, r, Dover
 Raymond B. Peabody, r, Dover
Dist. No. 17 (Dover, Ward 2)
 Mary E. Bernard, d, Dover
 Sadie C. Webber, d and r, Dover
Dist. No. 18 (Dover, Ward 3)
 Carroll E. Fellows, r, Dover
 Fred H. Mudgett, r, Dover
 John T. Young, r, Dover
Dist. No. 19 (Dover, Ward 4)
 L. James DeWolfe, Jr., r, Dover
 Paul L. Kinney, r, Dover
 Aram Parnagian, r, Dover
 Harriett W. B. Richardson, r, Dover
Dist. No. 20 (Dover, Ward 5)
 John Maglaras, d, Dover

SULLIVAN COUNTY

Dist. No. 1 (Graham, Plainfield)
 Sara M. Townsend, r, Plainfield
Dist. No. 2 (Cornish, Croydon)
 Donald R. Chase, d, Croydon
Dist. No. 3 (Claremont, Ward 1)
 William L. Gaffney, d, Claremont
 Omer A. Rousseau, d, Claremont
Dist. No. 4 (Claremont, Ward 2)
 *George W. Angus, r, Claremont
 Allan P. Campbell, r, Claremont
 Sam J. Nahil, r, Claremont
 Roma A. Spaulding, r, Claremont
Dist. No. 5 (Claremont, Ward 3)
 Arthur W. Barrows, d, Claremont
 Adolph J. Burrows, d, Claremont

Carmine F. D'Amante, d, Claremont
Dist. No. 6 (Newport)
 Maurice J. Downing, d, Newport
 Gordon B. Flint, Jr., r, Newport
 James A. Saggiotes, r, Newport
 **Jacob M. Shulins, r, Newport
Dist. No. 7 (Charlestown, Unity)
 Martha McD. Frizzell, r, Charlestown
 Donald B. Galbraith, r, Charlestown
Dist. No. 8 (Springfield, Sunapee)
 Joseph O. Fleming, r and d, Sunapee
Dist. No. 9 (Acworth, Goshen, Langdon, Lempster, Washington)
 Stanley H. Williamson, r and d, Goshen

*Deceased.

**Deceased. Replaced by Francis P. Edes, d, Newport.

LAWS

OF THE

STATE OF NEW HAMPSHIRE

JANUARY SESSION OF 1971

CHAPTER 1.

AN ACT INCREASING THE TEMPORARY BORROWING LIMIT OF THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1:1 Increased Limit on Borrowing. Amend RSA 6:13 (supp) as amended by 1965, 188:1, and 1967, 114:1, by striking out in line eight the word "fifteen" and inserting in place thereof the word (twenty-five) so that said section as amended shall read as follows:

6:13 Borrowing Money. If money due from the state is demanded and there are not sufficient funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of twenty-five million dollars.

1:2 Effective Date. This act shall take effect upon its passage.

[Approved January 20, 1971.]

[Effective date January 20, 1971.]

CHAPTER 2.

AN ACT TO PROVIDE FOR ADDITIONAL UNEMPLOYMENT BENEFITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

2:1 Additional Unemployment Benefit Payments. Eligible individuals shall be entitled to additional unemployment benefits with respect to any week of unemployment in his entitlement period in accordance with the provisions of this act.

2:2 Definitions. As used in this act, unless the context clearly requires otherwise:

I. "Eligible individual" means a person who:

(a) Is eligible to receive regular benefits and

(b) Is an exhaustee.

II. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under RSA 282 or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes such week; provided that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to annual earnings and/or employment that were not considered in the original determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, annual earnings on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U.S. Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

III. "Regular benefits" means benefits payable to an individual under RSA 282 or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

IV. "Entitlement period" means the period consisting of the weeks in an individual's benefit year which begin in an additional benefit period and, if his benefit year ends within such additional benefit period, any weeks thereafter which begin in such period, and not less than the thirteen following weeks.

V. "Rate of insured unemployment" means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the commissioner on the basis of his reports to the U.S. Secretary of Labor, by the average monthly employment covered under RSA 282 for the first four of the most recent six completed calendar quarters ending before the end of such thirteen week period.

VI. "Additional benefit period" means a period which

(a) Begins with the week that the commissioner determines that the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment under this chapter

(1) Equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen week period ending in each of the preceding two calendar years, and

(2) Equalled or exceeded three and seven tenths percent. Provided that no additional benefit period may become effective in this state prior to January 30, 1971.

2:3 Weekly Additional Benefit Amount. The weekly additional benefit amount payable to an individual for a week of total unemployment in his entitlement period shall be an amount equal to the weekly benefit amount

payable to him during his applicable benefit year under the provisions of RSA 282.

2:4 Total Additional Benefit Amount. The total additional benefit amount payable to any eligible individual with respect to his applicable benefit year shall be thirteen times the weekly benefit amount.

2:5 Limitation. Notwithstanding any other provisions of this act, no payment of additional benefits shall be made to any individual for any week with respect to which he is or becomes entitled to receive extended benefits pursuant to the unemployment law of the state of New Hampshire enacted in accordance with Public Law 91-373.

2:6 Applicability of Existing Statutes and Regulations. Except when the result would be inconsistent with other provisions of this act, the provisions of RSA 282 and the regulations of the commissioner which apply to claims for or the payment of regular benefits, shall apply to claims for and the payment of additional benefits.

2:7 Public Announcement. Whenever an additional benefit period is to become effective in this state under the provisions of this act, the commissioner shall make an appropriate public announcement.

2:8 Fund Chargeable. All benefits paid under the provisions of this act shall be a charge against the unemployment compensation fund and no employer's separate account under RSA 282: 6, C, as amended shall be charged with any such benefit paid.

2:9 Effective Date. This act shall take effect January 30, 1971.

[Approved February 4, 1971.]

[Effective date January 30, 1971.]

CHAPTER 3.

AN ACT TO RECLASSIFY A CERTAIN SECTION OF HIGHWAY IN THE TOWN OF BENTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

3:1 Class II Highway in Benton. After the effective date of this act, the 1.20 miles of class II highway in the town of Benton known as the Tunnel Stream Road, beginning at road inventory #50 and running easterly 1.20 miles to the town maintained class V highway, is classified as a class V highway.

3:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1971.]

[Effective date April 12, 1971.]

CHAPTER 4.

AN ACT TO RECLASSIFY CERTAIN SECTIONS OF HIGHWAY
IN THE TOWN OF NEWMARKET.

Be it Enacted by the Senate and House of Representatives in General Court convened:

4:1 Class II Highway in Newmarket. After the effective date of this act, the two sections of Ash Swamp Road between straight line diagram station 94+65 and 109+65 and straight line diagram station 154+40 and 191+10, 0.29 miles and 0.70 miles respectively, are classified as a class V highway.

4:2 Class V Highway in Newmarket. After the effective date of this act, the 0.11 mile section of Gary Avenue between New Hampshire Route 152 and New Hampshire Route 108 is classified as a class II highway.

4:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1971.]

[Effective date April 12, 1971.]

CHAPTER 5.AN ACT TO RECLASSIFY CERTAIN SECTIONS OF HIGHWAY
IN THE TOWN OF MEREDITH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

5:1 Class II Highway in Meredith. After the effective date of this act, the 1.11 miles of class II highway in the town of Meredith, known as Meredith Neck Road or Pleasant Street, beginning at New Hampshire Route 25 and running easterly to Barnard Ridge Road is classified as a class V highway.

5:2 Class V Highway in Meredith. After the effective date of this act, the 0.94 miles of class V highway known as Barnard Ridge Road, beginning at New Hampshire Route 25 and running easterly to Meredith Neck Road is classified as a class II highway.

5:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 17, 1971.]

[Effective date April 18, 1971.]

CHAPTER 6.AN ACT ESTABLISHING FIVE O'CLOCK AS THE CLOSING HOUR FOR
FILINGS IN ALL CASES RELATIVE TO ELECTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

6:1 Vacancies on Party Ticket. Amend RSA 56: 55 (supp) as amended by 1965, 330: 10 by striking out in line seventeen the words "six o'clock"

and inserting in place thereof the words (five o'clock) so that said section as amended shall read as follows:

56:55 Filling of Vacancies. Vacancies upon any party ticket in county, town or ward occurring after the holding of any primary shall be filled by the party committee for the county, town or ward, and if in a representative district containing more than one town, ward, or unincorporated place, by the party committee for the county in which the vacancy exists. All other vacancies upon any party ticket so occurring shall be filled by the state committee of the party or if previously authorized by the state committee, by the executive committee thereof. The name of any person so appointed shall be placed upon the official ballot provided notice of the appointment is seasonably filed with the secretary of state, except that notices of appointment where no candidate has filed and where the person whose name has been written in withdraws or refuses to accept the nomination or where the sole candidate filing for nomination shall be disqualified for any reason shall be filed with the secretary of state forty days prior to the day of election for all candidates for any office. The number of days herein given shall include Sundays and shall end on the day before election at five o'clock in the afternoon.

6:2 Nomination Papers. Amend RSA 56:68 by striking out in line four the words "six o'clock" and inserting in place thereof the words (five o'clock) so that said section as amended shall read as follows:

56:68 Filing of Nomination Papers. Nomination papers shall be filed with the secretary of state forty days prior to the day of election for all candidates for any office. The number of days herein given shall include Sundays, and shall end on the day before election at five o'clock in the afternoon.

6:3 Objections to Nomination Papers. Amend RSA 56:72 by striking out in line four the words "six o'clock" and inserting in place thereof the words (five o'clock) so that said section as amended shall read as follows:

56:72 Objections. Certificates of nomination and nomination papers made in accordance with the provisions of this chapter shall be regarded as valid, and shall be received by the secretary of state, unless objection thereto is made in writing within three days succeeding five o'clock in the afternoon of the last day for the filing of such nominations.

6:4 Time of Filing. Amend RSA 56:101 (supp) as inserted by 1969, 88:1 by striking out in line four after the word "official" the words "by the close" and inserting in place thereof the words (by five o'clock in the afternoon) so that said section as amended shall read as follows:

56:101 —Mailing of Notices. Whenever a statute relative to state elections requires a filing with or notice to the secretary of state, or other official, said filing or notice must be received by the secretary of state, or other official, by five o'clock in the afternoon of the business day on the date set forth in the political calendar.

6:5 Filing with the Secretary of State. Amend RSA 57:5 (supp) as amended by 1969, 65:1 by striking out in line nine the words "six o'clock" and inserting in place thereof the words (five o'clock) so that said section as amended shall read as follows:

57:5 Declaration of Candidacy. The name of a candidate shall not be printed upon any such ballot unless not more than sixty nor less than

thirty days before the primary he files with the secretary of state a declaration of candidacy, and unless he, or some person for him, shall pay to the secretary of state a filing fee of ten dollars requesting that his name be placed on the primary ballot; provided, that vacancies on the primary ballot of any party may be filled as provided in section 7 hereof. The number of days herein given shall include Sundays and shall end on the day before the primary at five o'clock in the afternoon.

6:6 Objections to Primary Nominations. Amend RSA 68:3, I by striking out in line five the words "six o'clock" and inserting in place thereof the words (five o'clock) so that said paragraph as amended shall read as follows:

I. When nominations at the primary, as declared by the secretary of state under section 50, chapter 56, RSA, are in apparent conformity with law, they shall be valid, unless changed upon recount as provided by law or unless written objection thereto shall be filed with the secretary of state within three days succeeding five o'clock in the afternoon of the date of publication of the results of the primary by the secretary of state under said section 50, or if there is a recount for the office in question, within three days after the declaration of the secretary of state upon such recount. If written objections are filed, the ballot-law commission shall forthwith meet, hear and decide all such objections. The decision of the ballot-law commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

6:7 Petitions; Filling Vacancies. Amend RSA 68:3, II by striking out in line seven the words "six o'clock" and inserting in place thereof the words (five o'clock) so that said paragraph as amended shall read as follows:

II. When nominations by petition, as provided in sections 65 to 68, inclusive, chapter 56, or the filling of vacancies in nominations occurring after the primary, as provided in sections 55 and 70, chapter 56, are in apparent conformity with law, they shall be valid, unless written objection thereto shall be filed with the secretary of state within the time limit provided in section 72 of chapter 56 in the case of nominations by petition, or within three days succeeding five o'clock in the afternoon of the date on which the appointment to fill a vacancy is filed with the secretary of state in the case of filling vacancies in nominations. If written objections are filed, the ballot-law commission shall forthwith meet, hear and decide all such objections. The decision of the ballot-law commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

6:8 Statement of Contributions. Amend RSA 70:5 (supp) as inserted by 1955, 273:1 by striking out in line three the words "before the close of the business day" and inserting in place thereof the words (before five o'clock in the afternoon) and by striking out in lines fourteen and fifteen the words "before the close of the business day" and inserting in place thereof the words (before five o'clock in the afternoon) so that said section as amended shall read as follows:

70:5 Statement by the State Committees. The state committee of a political party shall, not later than the Wednesday preceding a biennial or special election before five o'clock in the afternoon, file with the secretary of state, an itemized statement, signed and sworn to by its chairman and treasurer, showing each of its receipts with the full name and post-office

address of the contributor and the amount of the contribution, and each of its expenditures or contracts calling for expenditures, with the full name and address of persons, corporations, committees, or to whomever paid or to be paid, with the specific nature and amount of each expenditure, since the date of the last election; except, if contributions through a local party committee or disbursements to a local party committee do not exceed three hundred dollars per committee, no detailed accounting of the further source or recipients of such amounts need be made. Not later than the second Friday after said election before five o'clock in the afternoon another itemized statement, signed and sworn to by the same officers, shall be likewise filed. Enough additional copies of the statement shall be filed to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

6:9 Filing of Expenditures. Amend RSA 70:7 (supp) as inserted by 1955, 273:1 by striking out in line six the words "the close of the business day" and inserting in place thereof the words (five o'clock in the afternoon) so that said section as amended shall read as follows:

70:7 Other Candidates. Each candidate at the primary or election for councilor, state senator, county officer, or representative to the general court, and candidates for alternate delegate-at-large and alternate district delegate to a national party convention, who has expended a sum in excess of two hundred dollars, shall, not later than the second Friday after said primary or election before five o'clock in the afternoon, file with the secretary of state, and with the town or city clerk for the town or city in which he resides, a statement in like manner and detail of each receipt and expenditure, covering the period of the candidacy or election; excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

6:10 Expenditures by Political Committees. Amend RSA 70:8 (supp) as inserted by 1955, 273:1 by striking out in lines four and six the words "the close of the business day" and inserting in place thereof the words (five o'clock in the afternoon) so that said section as amended shall read as follows:

70:8 Political Committees. Each other political committee at the primary or election, which has expended a sum in excess of two hundred dollars, shall, not later than the Wednesday preceding an election before five o'clock in the afternoon, file with the secretary of state, a statement in like manner and detail of each receipt and expenditure, and, not later than the second Friday after an election before five o'clock in the afternoon, another statement in like manner and detail of each receipt and expenditure. If the political committee is organized to support a candidate in any election, it shall first secure the written consent of the candidate or his fiscal agent, before it receives or spends any money or thing of value, and its officers shall file such written consent with the secretary of state immediately; but this limitation shall not apply to the political committee of the party to which the candidate belongs in elections other than primaries.

6:11 Filing of Expenditures by State Committees. Amend RSA 70:21 by striking out in line three the words "before the close of the business day" and inserting in place thereof the words (before five o'clock in the afternoon) so that said section as amended shall read as follows:

70:21 Statement by State Committee. The state committee of every political party shall file, not later than the Friday preceding the election

before five o'clock in the afternoon with the secretary of state, and also publish in two daily newspapers in this state, an itemized statement, signed and sworn to by its chairman and treasurer, showing in detail all its receipts with the names of the persons by whom they were contributed and respective amounts thereof, and the names of the persons, corporations or committees to whom they were paid, with the specific nature and amount of each expenditure. Not later than the second Friday after said election another itemized statement, signed and sworn to by the same officers, shall be likewise filed and published, covering in like manner all receipts and expenditures subsequent to the first statement.

6:12 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 18, 1971.]

[Effective date April 18, 1971.]

CHAPTER 7.

AN ACT CHANGING THE DUE DATE FOR THE PAYMENT OF UNCLAIMED
PARI-MUTUEL POOL TICKET MONEY TO THE STATE TREASURER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

7:1 Racing Money. Amend RSA 284:31 (supp) as amended by 1957, 165:1 and 1969, 42:1 by striking out in lines one and two the words "the third Monday in December" and inserting in place thereof the words (December thirty-first) so that said section as amended shall read as follows:

284:31 Unclaimed Ticket Money. On or before December thirty-first of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of two years, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state.

7:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 18, 1971.]

[Effective date April 19, 1971.]

CHAPTER 8.

AN ACT CHANGING THE DATES FOR RETURN OF REVENUE TO CITIES AND
TOWNS, AND PROVIDING FOR REIMBURSEMENT FOR INTEREST COSTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

8:1 Changing the Time for Return of Revenue to Cities and Towns. Amend RSA 31-A:5, II (supp) as inserted by 1970, 5:16 by striking out

the first sentence of said paragraph and inserting in place thereof the following (In each year subsequent to 1970 the state treasurer shall pay over to each city or town the amount due to it in installments as follows: one half on July fifteenth, one quarter on September first and one quarter on December first; provided that if a city or town has adopted or at any time adopts a fiscal year ending in June the state treasurer, starting with the year 1971 in the case of a city or town which has already adopted such a fiscal year and starting in the year in which the fiscal year change takes effect in the case of a city or town hereafter adopting such a fiscal year, and each year thereafter in both cases shall make payment in four equal installments, on March fifteenth, June fifteenth, September fifteenth and December fifteenth.) so that said paragraph as amended shall read as follows:

II. In each year subsequent to 1970 the state treasurer shall pay over to each city or town the amount due to it in installments as follows: one half on July fifteenth, one quarter on September first and one quarter on December first; provided that if a city or town has adopted or at any time adopts a fiscal year ending in June the state treasurer, starting with the year 1971 in the case of a city or town which has already adopted such a fiscal year and starting in the year in which the fiscal year change takes effect in the case of a city or town hereafter adopting such a fiscal year, and each year thereafter in both cases shall make payment in four equal installments, on March fifteenth, June fifteenth, September fifteenth and December fifteenth. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

8:2 Reimbursement of Interest. In 1971, in the cases of those cities and towns payments to which have been delayed by the effect of section 1 of this act to July 15, 1971, the state treasurer shall pay to such cities and towns an additional amount to be computed by applying to the amount of such payments an interest rate of three (3) percent per annum from March 1 to July 15 and from June 1 to July 15 respectively. The additional amounts provided for in this section shall be paid on July 15, 1971 and shall be paid whether or not any city or town actually incurred additional borrowing expense. There is hereby appropriated a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

8:3 Effective Date. This act shall take effect upon its passage.

[Approved February 25, 1971, 7:30 P.M.]

[Effective date February 25, 1971, 7:30 P.M.]

CHAPTER 9.

AN ACT MAKING CORRECTION IN THE LAWS RELATIVE TO RETAIL BUSINESSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

9:1 Memorial and Veterans Day. Amend RSA 578:5-a (supp) as inserted by 1967, 47:1 by striking said section and inserting in place thereof the following:

578:5-a [New] Retail Businesses, Closed on Memorial and Veterans Day. Any retail business that is required to be closed on Sunday under the provisions of this subdivision may not be opened for business on Memorial Day and Veterans Day until twelve noon.

9:2 Effective Date. This act shall take effect May 15, 1971.

[Approved March 2, 1971.]

[Effective date May 15, 1971.]

CHAPTER 10.

AN ACT TO RECLASSIFY A CLASS V HIGHWAY IN THE TOWN OF SUTTON
TO A CLASS II HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

10:1 Class V Highway in Sutton. After the effective date of this act, the 1.1 miles of class V highway, known as the relocation of North Road, which begins at New Hampshire Route 114 and runs easterly, underpassing interstate 89, to relocated Shaker Street is classified as a class II highway.

10:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 2, 1971.]

[Effective date May 1, 1971.]

CHAPTER 11.

AN ACT PROVIDING THAT PERSONS IMPRISONED FOR OFFENSES AGAINST
ORDER AND DECENCY MAY BE COMMITTED TO A HOUSE OF CORRECTION
OR TO A COUNTY JAIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

11:1 County Jail as Alternative to House of Correction. Amend RSA 570:30 by striking out the same and inserting in place thereof the following:

570:30 Place of Imprisonment. All persons imprisoned for any violation of the provisions of this chapter shall be committed to a house of correction or to a county jail.

11:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 2, 1971.]

[Effective date May 1, 1971.]

CHAPTER 12.

AN ACT PERMITTING PERSONS CONVICTED OF CERTAIN SEX CRIMES TO WAIVE PSYCHIATRIC OBSERVATION AND EXAMINATION, AND REMOVING THE MINIMUM TIME FOR WHICH THEY MAY BE SO COMMITTED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

12:1 Waiving Psychiatric Examination and Eliminating Minimum Period for Commitment. Amend RSA 173-A: 3, I (supp) as inserted by 1969, 443: 1 by striking out said paragraph and inserting in place thereof the following:

I. When Required. Whenever a person is convicted of one or more of the following sex offenses: unnatural and lascivious act, bestiality, sodomy, enticing female child, rape, except in the case of rape where the woman is under the age of sixteen and carnal copulation is without force and not against her will, or any attempt to commit such offenses, the convicting court shall, prior to sentencing, commit such person to the New Hampshire Hospital for psychiatric observation and examination, for a period of not more than ninety days. However, the defendant, with the court's permission, may waive such observation and examination. Whenever a person is convicted of one or more of the following sex offenses: incest, rape where the woman is under the age of sixteen and carnal copulation is without force and not against her will, or is convicted more than once for lewdness or indecent exposure, or any attempt to commit such offenses, the convicting court may in its discretion, prior to sentencing commit such person to the New Hampshire Hospital for psychiatric observation and examination, for a period of not more than ninety days. The New Hampshire Hospital may require the cooperation of any state agencies in obtaining and furnishing information. It may also require any agency, public or private, to furnish copies of any information or records in the possession of such agency, without court order and notwithstanding any other provisions of the law as to the use or availability of such information or records. Prior to the end of ninety days, the superintendent of New Hampshire Hospital shall file a report with the committing court to include one of the following conclusions:

(a) That said person is not considered to be a dangerous sexual offender but that he is in need of and amenable to psychiatric treatment and that hospital confinement be continued until further order of the court, or until expiration of the maximum time for which said person is sentenced.

(b) That said person is not considered to be a dangerous sexual offender and does not require psychiatric treatment.

(c) That there is psychiatric and/or psychological evidence suggesting that said person might be a dangerous sexual offender. A certified copy of this report shall be served upon the person examined within three days after the filing thereof with the court.

12:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 4, 1971.]

[Effective date May 3, 1971.]

CHAPTER 13.

AN ACT TO ALLOW NONRESIDENTS TO SERVE LEGAL PROCESS ON THE SECRETARY OF STATE AS AGENT FOR FOREIGN CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

13:1 Nonresidents or Residents May Serve Process. Amend RSA 300:14 as inserted by 1965, 198:1 by striking out in line two the words "with a resident of New Hampshire" and in line five the words "against a resident of New Hampshire" so that said section as amended shall read as follows:

300:14 Appointment of Process Agent by Foreign Corporation. If a foreign corporation makes a contract to be performed in whole or in part by either party in New Hampshire, or if such foreign corporation commits a tort in whole or in part in New Hampshire, such acts shall be deemed to be doing business in New Hampshire by such foreign corporation and shall be deemed equivalent to the appointment by such foreign corporation of the secretary of the state of New Hampshire and his successors to be its true and lawful attorney upon whom may be served all lawful process in any actions or proceedings against such foreign corporation arising from or growing out of such contract or tort. The making of such contract or the committing of such tort shall be deemed to be the agreement of such foreign corporation that any process against it which is so served upon the secretary of state shall be of the same legal force and effect as if served on the foreign corporation at its principal place of business in the state or country where it is incorporated and according to the law of that state or country.

13:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 11, 1971.]

[Effective date May 10, 1971.]

CHAPTER 14.

AN ACT RELATIVE TO THE COMPOSITION OF THE JUDICIAL COUNCIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

14:1 Clerk of Superior Court to be Member, and Probate Member Selected by the Justices. Amend RSA 494:1 (supp) as amended by 1969, 395:1 by striking out the same and inserting in place thereof the following:

494:1 Judicial Council. There is hereby established a judicial council which shall consist of a justice of the supreme court, selected by the justices thereof, a justice of the superior court, selected by the justices thereof, a judge of probate, selected by the justices thereof, the attorney general, the president of the New Hampshire Bar Association, a clerk of the superior court, selected by the clerk's association, and seven other members appointed by the governor with the advice and consent of the council, of whom not less than four shall be members of the bar of wide experience.

14:2 Effective Date. This act shall take effect sixty days after its passage for the addition of the member who is clerk of the superior court and shall take effect upon the expiration of the term of the probate judge now serving on the council so far as it relates to the change in the method of the selection of such member.

[Approved March 11, 1971.]

[Effective date, May 10, 1971 and pursuant to section 2.]

CHAPTER 15.

AN ACT RELATIVE TO THE 1971 APPROPRIATION FOR THE DIVISION OF PARKS AND REVISING THE APPROPRIATION FOR THE STATE LIBRARY FOR TITLE IV-A FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

15:1 Appropriation Decreased. Amend Laws of 1969, 368: 4 in the appropriation for the division of parks by striking out in the appropriation for Bonds and interest the following:

Chapter 263, laws of 1961

Issue of 1969 89,000

15:2 Appropriations Increased. Amend Laws of 1969, 368: 4 in the appropriation for the division of parks;

I. Administration, Other personal services: by striking out the line item:

"Other 3,500"

and inserting in place thereof the following:

(Other 8,000)

II. Self-supporting parks:

(a) Personal services: by striking out the line item:

"other 182,920"

and inserting in place thereof the following:

(other 218,920) and

(b) By striking out the line item:

"Current expenses* 132,710"

and inserting in place thereof the following:

(Current expenses* 147,710)

(c) By striking out the line item:

"Major repairs † \$45,000

and inserting in place thereof the following:

(Major repairs † \$50,000 #

(d) By inserting after the footnote marked "*" the following new footnote: # \$2,000 of this appropriation shall be used for repair and/or replacement of disposal facilities at Mt. Sunapee state park.

III. Service parks:

(a) Personal services: by striking out the line item:

"Other 390,811"

and inserting in place thereof the following:

(Other 395,811)

(b) By striking out the line item:

“Current expenses 110,000”

and inserting in place thereof the following:

(Current expenses 112,400)

IV. Hampton special services, Personal services: by striking out the line item:

“Other + \$30,609”

and inserting in place thereof the following:

(Other + \$35,609)

15:3 Totals Adjusted. Any totals in Laws of 1969, 368 which are affected by the changes made by sections 1 and 2 of this act shall be adjusted to the correct amounts.

15:4 State Library. Amend Laws of 1969, 368:4, in the appropriation for the state library—title IV-A by deleting said appropriations and inserting in place thereof the following:

Title IV-A:

Personnel Services

Permanent 14,599

Current Expenses 650

Travel

In state 200

Out of state 200

Equipment 16,751

Other Expenditures

Grants 4,374

Social Security 1,226

Total 38,000

Less estimated federal funds 38,000

Net appropriation

—0—

15:5 Effective Date. This act shall take effect upon passage.

[Approved March 25, 1971.]

[Effective date March 25, 1971.]

CHAPTER 16.

AN ACT PROHIBITING THE USE OF MOTOR BOATS ON CHOCORUA LAKE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

16:1 Motor Boats Prohibited. Amend RSA 486 by inserting after section 9 the following new section:

486:10 [New] Chocorua Lake. On and after the effective date of this act, no person shall use or operate any motorboat or any boat equipped with an outboard motor upon the waters of Chocorua Lake in Tamworth.

Whoever violates the provisions of this section shall be fined not more than fifty dollars.

16:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 17.

AN ACT RELATIVE TO THE POWERS OF THE BOARD OF NURSE REGISTRATION, DUTIES OF NURSES, AND INCREASING CERTAIN FEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

17:1 Conditions of Practicing Professional Nursing. Amend RSA 326-A: 2, I as inserted by 1959, 265: 1 by adding at the end of said paragraph the following: (unless such acts under emergency or other special conditions, may include special training, as are recognized by the medical and nursing professions as proper to be performed by a professional nurse under such conditions, even though such acts might otherwise be considered diagnosis and prescription.) so that said paragraph shall read as follows:

I. The practice of professional nursing means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physician or dentist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures, unless such acts under emergency or other special conditions, may include special training, as are recognized by the medical and nursing professions as proper to be performed by a professional nurse under such conditions, even though such acts might otherwise be considered diagnosis and prescription.

17:2 Fees for Administration of this Chapter. Amend RSA 326-A: 3, IV as inserted by 1959, 265: 1 by adding at the end thereof the following (and (d) the setting of reasonable fees, not otherwise provided by RSA 326-A: 5 and RSA 326-A: 6 for the conduct of this chapter, including those for temporary permits, verifications, late renewals and reinstatements, proctoring examinations for other boards of nursing, duplicates of documents and manuals. The fee for any one of the above services shall not be in excess of twenty dollars.) so that said paragraph as amended shall read as follows:

IV. RULES, REPORTS AND FEES. The board, with the advice of the commissioner of education, shall be responsible for: (a) all necessary rules for the examination of nurses applying for certificates hereunder, (b) all rules for the administration of this chapter and (c) the preparation of an

annual report to the governor of the receipts and expenditures under the provisions thereof and (d) the setting of reasonable fees, not otherwise provided by RSA 326-A: 5 and RSA 326-A: 6 for the conduct of this chapter, including those for temporary permits, verifications, late renewals and reinstatements, proctoring examinations for other boards of nursing, duplicates of documents and manuals. The fee for any one of the above services shall not be in excess of twenty dollars.

17:3 Registration Fees. Amend RSA 326-A: 5, III as inserted by 1959, 265: 1 by striking out said paragraph and inserting in place thereof the following:

III. FEES. Each person applying for examination and/or certification of registration to practice as a registered nurse, shall pay to the commissioner of education a fee of no less than fifteen dollars and no more than thirty dollars as determined yearly by the board. The commissioner of education shall pay all fees collected by the board to the state treasurer who shall keep the same in a separate fund to be used only for the purposes of the board hereunder.

17:4 Requirements for Suspension and Revocation of Nurses License. Amend RSA 326-A: 8 as inserted by 1959, 265: 1 by striking out said section and inserting in place thereof the following:

326-A: 8 Suspension and Revocation. No certificate of registration shall be suspended or revoked until after a hearing before the board upon written notice of fourteen days. Such notice shall be served personally or by registered mail and shall set forth the date and place of the hearing and the grounds constituting the charges against the person complained of. All hearings shall be private except upon request of the party involved. No person shall practice professional nursing under any suspended or revoked certificate. The board shall have the power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof of any of the following violations:

I. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or

II. Has been convicted of a felony or any offense involving moral turpitude; or

III. Is guilty of unprofessional conduct; or

IV. Is unfit or incompetent by reason of negligent habits or other causes; or

V. Is habitually intemperate or is addicted to the use of habit-forming drugs; or

VI. Is mentally incompetent or physically unsafe to practice nursing; or

VII. Has wilfully or repeatedly violated the provisions of this act; or

VIII. Has had his license to practice nursing denied, suspended or revoked in another jurisdiction and not reinstated.

17:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 18.

AN ACT TO AUTHORIZE USE OF FICTITIOUS NAMES IN CERTAIN
PROCEEDINGS IN EQUITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

18:1 Name of Defendant Unknown. Amend RSA 491 by inserting after section 14 the following new section:

491:14-a [New] Defendant's Name. When the name of the defendant is unknown to the plaintiff a bill in equity may be brought against him by a fictitious name and, it shall not for that cause be abated, but may be amended on such terms as the court may order.

18:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 19.AN ACT EXPANDING THE SUBSTANCES CONTROLLED BY THE ECONOMIC
POISONS LAW AND BROADENING THE POWERS OF THE COM-
MISSIONER TO CONTROL SAID SUBSTANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

19:1 Definition of Economic Poison. Amend RSA 438:1, I by striking out said paragraph and inserting in place thereof the following:

I. The term "economic poison" means:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest, and

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

19:2 Definition of Active Ingredient. Amend RSA 438:1, X by striking out said paragraph and inserting in place thereof the following:

X. The term "active ingredient" means in the case of:

(a) An economic poison other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

(b) A plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(c) A defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(d) A desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

19:3 Misbranding of Certain Economic Poisons. Amend RSA 438:1, XVII, (2), (g) by striking out the same and inserting in place thereof the following:

(g) if in the case of an insecticide, nematocide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison;

(h) in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other animals, or vegetation to which it is applied, or to the person applying such economic poison. Provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant or desiccant was applied, in accordance with the label claims and recommendations.

19:4 Definitions. Amend RSA 438:1 by inserting after paragraph XVII the following new paragraphs:

XVIII. The term "nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating nematodes.

XIX. The term "plant regulator" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

XX. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

XXI. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

XXII. The term "nematode" means invertebrate animals of the phylum nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

XXIII. The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

XXIV. The term "registrant" means the person registering any economic poison pursuant to the provisions of this chapter.

XXV. The term "restricted use pesticide" means any economic poison which the commissioner has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control or mitigate.

XXVI. The term "pesticide dealer" means any person who is engaged in the business of distributing, selling, offering for sale, or holding for sale "restricted use pesticides" and/or any other economic poisons for distribu-

tion directly to users. Exempt from the term "pesticide dealer" are those persons whose sales are limited to economic poisons in consumer sized packages which are labeled and intended for home and garden use only. This exemption does not apply to any person selling restricted use pesticides.

19:5 Notification of Articles Noncompliance. Amend RSA 438:8 by striking out said section and inserting in place thereof the following:

438:8 Corrections before Registration. If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, he shall notify the registrant of the manner in which the article labeling, or other material required to be submitted fail to comply with the chapter so as to afford the registrant an opportunity to make the necessary correction. If upon receipt of such notice, the applicant does not make the correction, the commissioner may refuse to register the article. The commissioner, in accordance with the procedures specified herein, may suspend or cancel the registration of an economic poison whenever it does not appear that the article or its labeling complies with the provisions of this chapter. Whenever an application for registration is refused or the commissioner proposes to suspend or cancel a registration, notice of such action shall be given to the applicant or registrant who shall have thirty days from the date of such notice to request a hearing on the proposed action of the commissioner. The hearing shall be conducted by the commissioner, or his designee, for the purpose of receiving evidence relevant and material to the issues, following the conclusion of which the commissioner shall issue an order with findings of fact and notify the applicant or registrant thereof. The commissioner's order shall be based only on substantial evidence of record taken at the hearing.

19:6 Commissioner's Powers. Amend RSA 438:10 by striking out said section and inserting in place thereof the following:

438:10 Rules and Regulations; Restricted Use Pesticides.

I. The commissioner is authorized, after due notice and a public hearing, to make appropriate rules and regulations for carrying out the provisions of this chapter, including but not limited to rules and regulations providing for:

(a) The collection and examination of samples of economic poisons or devices;

(b) The safe handling, transportation, storage, display, distribution, and disposal of economic poisons and their containers;

(c) Restricting or prohibiting the use of certain types of containers or packages for specific economic poisons, which restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage or misuse.

II. The commissioner shall adopt the list of "restricted use pesticides" adopted by the pesticides control board as defined in RSA 149-D:2 for the state or for designated areas within the state. The commissioner may by regulation specify the time and conditions of sale or distribution of such "restricted use pesticides" and may, if he deems it necessary to carry out the provisions of this chapter, require that any or all "restricted use

pesticides" shall be purchased and possessed only under permit of the commissioner and under his direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations: provided, that any person licensed to sell such economic poisons may purchase and possess such economic poisons without a permit.

19: 7 Dealer's License; Pesticide Control. Amend RSA 438 by inserting after section 17 the following new sections:

438: 18 [New] Pesticide Dealer License.

I. No person shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless he has obtained an annual license from the commissioner, which shall expire on December thirty-first of each year. A license shall be required for each location or outlet from which such economic poisons are distributed, sold, held for sale, or offered for sale.

II. Application for a license shall be accompanied by a ten dollar annual license fee and shall be on a form prescribed by the commissioner and shall include the full name of the person applying for such license. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the commissioner; provided, that the provisions of this section shall not apply to a pesticide applicator who sells economic poisons only as an integral part of his pesticide application service when such economic poisons are dispensed only through apparatuses used for such economic poison application; provided further, that the provisions of this section shall not apply to any federal, state or county agency which provides economic poisons for their own programs.

III. Each applicant shall satisfy the commissioner as to his knowledge of the laws and regulations governing the use and sale of economic poisons and his responsibility in carrying on the business of a pesticide dealer. Each employee or agent of a pesticide dealer who sells or recommends "restricted use pesticides" shall satisfy the commissioner as to his knowledge of the laws and regulations governing the use and sale of such "restricted use pesticides".

IV. Each pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of economic poisons and all claims and recommendations for use of economic poisons. The dealer's license shall be subject to denial, suspension or revocation after a hearing for any violation of this chapter, whether committed by the dealer, or by the dealer's officer, agent or employee.

V. Every licensed pesticide dealer who changes his address or place of business shall immediately notify the commissioner.

438: 19 [New] Handling and Storage. No person shall handle, transport, store, display, or distribute economic poisons in such a manner as to endanger man and his environment or to endanger food, feed, or any other products that may be transported, stored, displayed, or distributed with such economic poisons.

438: 20 [New] Disposal. No person shall dispose of, discard, or store any economic poisons or economic poison containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

438: 21 [New] Stop Sale, Use or Removal Orders. When the commissioner or his authorized agent has reasonable cause to believe an economic poison or device is being distributed in violation of any of the provisions of this chapter, or of any of the prescribed regulations under this chapter, he may issue and serve a written "Stop Sale, Use or Removal" order upon the owner or custodian of any such economic poison or device. The economic poison or device shall not be sold, used or removed until the provisions of this article have been complied with and the pesticide or device has been released by the commissioner or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

19: 8 Effective Date. RSA 438: 18 as inserted by section 7 of this act shall take effect January 1, 1972 and the remainder of this act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date section 7 effective January 1, 1972, remainder of act shall take effect May 28, 1971.]

CHAPTER 20.

AN ACT ELIMINATING CERTAIN DUTIES OF THE SECRETARY OF STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

20: 1 Repeal. RSA 14: 13 relating to delivery of papers concerning unfinished business of the general court, is hereby repealed.

20: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 21.

AN ACT RELATIVE TO SHOOTING ANIMALS HUNTED BY DOGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

21: 1 Treed Animals. Amend RSA 207 by inserting after section 13-a the following new section:

207: 13-b [New] Treed Animals. It shall be unlawful for any person to shoot a game or fur-bearing animal which has been treed or cor-

nered by a dog, unless the owner of said dog, or a member of his hunting party, is present when the animal is shot. Persons violating the provisions of this section shall be fined not more than fifty dollars or imprisoned not more than thirty days or both.

21:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 22.

AN ACT RELATING TO FISHING WITHOUT A LICENSE BY PATIENTS AT THE DARTMOUTH-HITCHCOCK MENTAL HEALTH CENTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

22:1 Special Fishing Permits. Amend RSA 214:14 (supp) as amended by 1963, 88: 1 and 1969, 64: 1 by striking out said section and inserting in place thereof the following:

214:14 Patients at Certain Institutions. Patients of the veterans hospitals at White River Junction, Vermont and Manchester, New Hampshire, of the Crotched Mountain Rehabilitation Center at Greenfield, New Hampshire, and the Dartmouth-Hitchcock Mental Health Center at Hanover, New Hampshire, may fish without a license on a special permit issued by the doctor in charge when such form of recreation may be of therapeutic benefit to such patients, provided that no such special permit shall be valid for a period longer than the length of residency at the institution of the patient to whom the special permit is issued. Patients fishing under the provisions of this section shall be under the direct supervision of the recreation supervisor, or his designate, of said institutions. The fish and game director shall furnish permit forms to said institutions at their request, to be filled out when issued. The number of permits issued shall be reported to the director once each year as he shall direct.

22:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 23.

AN ACT PROHIBITING THE USE OF A CROSSBOW IN TAKING FISH, WILD BIRDS OR WILD ANIMALS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

23:1 Crossbow Prohibited. Amend RSA 207: 10 as amended by 1955, 48: 1 by inserting in line one after the words "set and trap lines" the word

(crossbows) and by inserting in line six after the words "pivet or set gun" the words (or crossbow) so that said section as amended shall read as follows:

207:10 Prohibited Devices. Tip-ups, set and trap lines, crossbows, spears, grappling hooks, naked hooks, snatch hooks, eel wires, eel pots and nets, shall not be used in any fresh waters of the state to take fish, unless otherwise specifically permitted. No person shall have in his possession, while hunting or trapping any wild bird, or wild animal, including bear, any snare, jack or artificial light, swivel, pivet or set gun, or crossbow except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of such violation. Such articles, upon conviction of a violation of illegal night hunting shall become the property of the fish and game department, and shall be sold at auction by the director within one year of the forfeiture.

23:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 24.

AN ACT RELATIVE TO SPECIAL LICENSES FOR TAKING BIRDS AND ANIMALS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

24:1 Special Licenses. Amend RSA 214:30 by striking out said section and inserting in place thereof the following:

214:30 Rights of Licensee. Such licenses shall set forth the purpose for which the same are issued and shall state with exactness the privileges granted to the licensee. Such licensee shall carry the license on his person when he is engaged in doing any of the acts permitted by the license, except that no license shall be required for the common practice of capturing and banding game and song birds; however, a permit without fee shall be required and issued under such reasonable stipulations as the director may deem necessary. This shall not dispense with the necessity of such federal permits when required by federal law.

24:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 25.

AN ACT RELATIVE TO STATE BRIDGE AND TOWN BRIDGE AID.

Be it Enacted by the Senate and House of Representatives in General Court convened:

25:1 State Bridge Aid. Amend RSA 242:9 (supp) as amended by 1957, 133:1 and 1967, 436:1 by striking out said section and inserting in place thereof the following:

242:9 Cost; How Borne: State Bridge Aid. When public convenience and necessity require the construction or reconstruction of any bridge on a class II highway the cost thereof shall be borne as follows:

I. In towns whose equalized valuation does not exceed two million dollars the town shall pay one sixth and the state five sixths.

II. In towns whose equalized valuation is more than two million dollars and not more than five million dollars the town shall pay one fifth and the state four fifths.

III. In towns whose equalized valuation is more than five million dollars and not more than twelve million dollars the town shall pay one quarter and the state three quarters.

IV. In towns whose equalized valuation is more than twelve million dollars the town shall pay one third and the state two thirds.

25:2 Town Bridge Aid. Amend RSA 242:10 (supp) as amended by 1957, 134:1 and 1967, 436:2 by striking out said section and inserting in place thereof the following:

242:10 Town Bridge Aid. When public convenience and necessity require the construction or reconstruction of any bridge on a class V highway the cost thereof shall be borne as follows:

I. In towns whose equalized valuation does not exceed two million dollars the town shall pay one eighth and the state seven eighths.

II. In towns whose equalized valuation is more than two million dollars and not more than five million dollars the town shall pay one fifth and the state four fifths.

III. In towns whose equalized valuation is more than five million dollars and not more than eight million dollars the town shall pay one fourth and the state three fourths.

IV. In towns whose equalized valuation is more than eight million dollars and not more than twelve million dollars the town shall pay one third and the state two thirds.

V. In towns whose equalized valuation is more than twelve million dollars the town shall pay one half and the state one half.

25:3 Effective Date. This act shall take effect July 1, 1971.

[Approved March 29, 1971.]

[Effective date July 1, 1971.]

CHAPTER 26.

AN ACT RELATIVE TO TAKING A MOTOR VEHICLE WITHOUT
THE OWNER'S CONSENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

26:1 Persons Who May be Fined or Imprisoned. Amend RSA 263:82 by striking out in line two the word "ride" so that said section, as amended, shall read as follows:

263:82 Taking Without Owner's Consent. If any person shall willfully, or mischievously take, drive, or use any motor vehicle without the consent of the owner or person having control thereof, but not with intent to steal the same, he shall be fined not more than one hundred dollars or imprisoned not more than one year, or both.

26:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 29, 1971.]

[Effective date May 28, 1971.]

CHAPTER 27.AN ACT RELATIVE TO THE UNAUTHORIZED REMOVAL OF NATIONAL
OR STATE FLAGS WHILE THEY ARE ON DISPLAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

27:1 Amend RSA 573 by inserting after section 4 the following new section:

573:4-a [New] Unauthorized Removal of Flag. No person shall willfully and maliciously lower, or remove from its staff or place of display or exhibit, any such flag, standard, color or ensign, without the consent of the owner, or his agent, or other person having lawful authority concerning the lowering or removal thereof.

27:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 28.

AN ACT RELATIVE TO ABSENTEE VOTING BY MEMBERS
OF ARMED SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

28:1 Mailing Ballot to Town or City Clerk. Amend RSA 60:21 by striking out in line three the words "secretary of state" and inserting in place thereof the words (clerk of the city or town of his voting place) and by striking out in line twenty-one the words "secretary of state" and inserting in place thereof the words (clerk of the city or town of his voting place) so that said section as amended shall read as follows:

60:21 Voting Procedure. An armed services absentee who has received an armed services ballot may vote by mailing or causing to be delivered to the clerk of the city or town of his voting place such ballot marked and sworn to as follows: He shall deliver said ballot to any official authorized by law to administer oaths, or any officer described in section 16 hereof, for examination, who shall satisfy himself that it is unmarked and the voter shall not allow said official or officer to see how he marks it, and said voter shall mark said ballot in the presence of said official or officer and no other person. Said official or officer shall hold no communication with the voter, nor he with said official or officer, as to how he is to vote; provided, however, that in the case of any armed services absentee who, because of blindness, or other physical disability, is unable to mark his ballot, such official or officer may assist him to mark his ballot as directed by said voter. Such official or officer shall certify on the outside thereof that it was so marked with his assistance, and shall thereafter give no information regarding the same. After marking the ballot, the voter shall enclose and seal the same in the envelope provided for that purpose. He shall then execute before said official or officer the affidavit on said envelope and shall enclose and seal the envelope containing the ballot in the return mailing envelope, endorse thereon his name and voting place, and shall then mail the envelope or cause it to be delivered to the clerk of the city or town of his voting place.

28:2 Repeal. RSA 60:22 relative to receiving armed services ballots by the secretary of state is hereby repealed.

28:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 29.

AN ACT RELATIVE TO SERVICE ROADS CONSTRUCTED BY THE STATE IN
CONJUNCTION WITH LIMITED ACCESS FACILITIES.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

29:1 Allowing Designation as Class VI Highway. Amend RSA 236: 7-a as inserted by 1961, 6: 1 by striking out said section and inserting in place thereof the following:

236: 7-a Auxiliary Roads. Any service roads constructed by the state in conjunction with but not a part of a limited access facility shall be classified by the commissioner of public works and highways as a class IV, V or VI highway. After any such classification the provisions of RSA 236: 8 and 9 shall not apply and thereafter the towns or cities shall maintain any road classified as class IV or V and the highway user shall maintain any road classified class VI.

29: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 30.

AN ACT ESTABLISHING THE TIME OF THE ANNUAL PUBLIC HEARINGS
RELATIVE TO THE POWERS AND DUTIES OF THE FISH AND GAME
DEPARTMENT.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

30:1 Time for Hearing Changed. Amend RSA 206:11 (supp) as amended by 1955, 32: 1; 1967, 16: 1 and 1969, 66: 1 by striking out in lines five and seven the numerals and words "10:00 a.m." and inserting in place thereof the numerals and words (8:00 p.m.) so that said section as amended shall read as follows:

206: 11 —Hearings as to. Once each biennium, on the odd numbered year, the director shall hold public hearings for the purpose of hearing testimony relative to changes in the fishing rules and regulations or upon any other subject with respect to his duties. Such hearing shall be held at the superior court house in Concord commencing at 8:00 p.m. on the first Monday in June, and at the superior court house at Lancaster on the following Friday commencing at 8:00 p.m. All suggested changes in the fishing rules and regulations proposed by the fish and game department, and any other suggested changes proposed by any person, or persons that the department may have knowledge of, shall be published at least twice in two newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the director may deem desirable to appraise the public of the agenda, between the dates of May first

and May thirtieth immediately prior to the public hearing. In order for the director with the approval of the commission, to promulgate rules and regulations changes under the authority conferred by this section, it shall be mandatory that the subject matter to be changed is to have appeared on the published agenda hereinbefore described. It shall be the duty of the members of the commission to be in attendance at such hearings. In the event of the illness of the director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement, notice of the time of subsequent hearing shall be posted at such courthouse and given such other publicity as the director shall deem proper to give adequate notice thereof to interested parties. The director may in his discretion conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the director under the provisions of this title, shall be given full opportunity to be heard, and the director shall cause a complete stenographic record to be kept of all testimony taken.

30:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 31.

AN ACT PROVIDING THAT ENCUMBERED APPROPRIATIONS OF TOLLS
COLLECTED ON CENTRAL NEW HAMPSHIRE TURNPIKE SHALL
NOT LAPSE UNTIL THE OBJECT THEREOF
IS ACCOMPLISHED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

31:1 Expenditure of Encumbered Tolls Made Nonlapsing. Amend RSA 257 by inserting after section 7-a the following new section:

257:7-b [New] Encumbered Tolls Nonlapsing. Notwithstanding the provisions of RSA 9:18 any general appropriation of funds collected pursuant to the provisions of this chapter which have been encumbered shall not lapse until the object for which the encumbrance was made has been accomplished. No later than two weeks after the convening of any regular session of the legislature, the state comptroller shall submit a list of all extensions of the time of lapsing of any such appropriation pursuant to this section to the chairman of the appropriations committee of the house of representatives and to the chairman of the senate finance committee.

31:2 Effective Date. This act shall take effect June 30, 1971.

[Approved April 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 32.

AN ACT PROVIDING THAT ENCUMBERED APPROPRIATIONS OF TOLLS COLLECTED ON EASTERN NEW HAMPSHIRE TURNPIKE SHALL NOT LAPSE UNTIL THE OBJECT THEREOF IS ACCOMPLISHED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

32:1 Expenditure of Encumbered Tolls Made Nonlapsing. Amend RSA 256 by inserting after section 8-b the following new section:

256:8-c [New] Encumbered Tolls Nonlapsing. Notwithstanding the provisions of RSA 9:18 any general appropriation of funds collected pursuant to the provisions of this chapter which have been encumbered shall not lapse until the object for which the encumbrance was made has been accomplished. No later than two weeks after the convening of any regular session of the legislature, the state comptroller shall submit a list of all extensions of the time of lapsing of any such appropriation pursuant to this section to the chairman of the appropriations committee of the house of representatives and to the chairman of the senate finance committee.

32:2 Effective Date. This act shall take effect June 30, 1971.

[Approved April 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 33.

AN ACT INCREASING THE MEMBERSHIP OF THE COMMISSION ADVISORY TO THE COMMISSIONER OF RESOURCES AND DEVELOPMENT AND MAKING THE COMMISSIONER OF PUBLIC WORKS AND HIGHWAYS A MEMBER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

33:1 Advisory Commission. Amend RSA 12-A:5 (supp) as inserted by 1961, 223:3 by striking out said section and inserting in place thereof the following:

12-A:5 Advisory Commission Established.

I. There shall be a commission advisory to the commissioner of resources and development which shall consist of the following eight members:

(a) seven, who shall be appointed by the governor and council for a term of five years and until his successor is appointed and qualified; and

(b) one who shall be the commissioner of public works and highways or his designated representative whose appointment shall be coterminous with the commissioner's tenure of office.

II. In the event of a vacancy in membership of a member appointed hereunder, appointment shall be made in the same manner but for the unexpired term only.

III. Members of the commission shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced and representative of each of the following:

- (a) manufacturing;
- (b) agriculture;
- (c) recreation;
- (d) forestry;
- (e) the general public;
- (f) commerce; and
- (g) public relations.

IV. The governor shall annually designate a chairman from among the membership. No member shall be eligible to serve as chairman more than three years, whether or not his service as such has been consecutive or interrupted.

V. No more than four members of the commission, exclusive of the commissioner of public works and highways, shall be of the same political party.

VI. Members of the commission shall serve without compensation but shall be entitled to receive mileage and expenses when in performance of the duties required hereunder.

33:2 Present Membership. The tenure of office of commission members appointed prior to the effective date of this act shall not be affected by its passage.

33:3 Repeal. RSA 12-A:5-a relative to the political composition of the members of the resources and development advisory commission is hereby repealed.

33:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 34.

AN ACT RELATIVE TO THE PURPOSES OF ISSUANCE OF MUNICIPAL BONDS OR NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

34:1 Planning Included. Amend RSA 33:3 by inserting in line two after the word "land" the following words (for planning relative to public facilities) so that said section as amended shall read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature, for the purchase of departmental equipment of a lasting character, and for the payment of judgments. A

municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

34:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 1, 1971.]

[Effective date May 31, 1971.]

CHAPTER 35.

JOINT RESOLUTION PROVIDING ADDITIONAL FUNDS FOR BOARD OF PROFESSIONAL ENGINEERS.

Resolved by the Senate and House of Representatives in General Court convened:

In addition to funds appropriated for the board of professional engineers for the fiscal year ending June 30, 1971, there is hereby appropriated the sum of four thousand, seven hundred dollars to be expended by said board for purposes of administration of RSA 319. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved April 1, 1971.]

CHAPTER 36.

AN ACT CHANGING THE EFFECTIVE DATE OF A CHARTER APPROVED BY THE VOTERS OF THE CITY OF LACONIA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

36:1 Effective Date of Charter. The charter adopted by the voters of the city of Laconia at the special election held April 2, 1970, shall take effect the fourth Tuesday of March, 1971.

36:2 Election and Term of First Officers Under Charter. The first election of officers provided for by said charter shall be held on the second Tuesday of March, 1971, and no election shall be held on the Tuesday following the first Monday in November, 1971. The terms of the officers so elected shall commence on the fourth Tuesday of March, 1971, and shall end on the first day of January, 1974, except in the case of members of the board of education whose terms shall end on the first day of January, 1978.

36:3 Regular Election Dates. Regular municipal elections after the election provided for in section 2 shall be held on the Tuesday following the first Monday in November in 1973, and in each odd numbered year thereafter.

36:4 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at a special meeting of the voters of the city of Laconia, which shall be held on Thursday, January 28, 1971. Notice of said meeting shall be warned and posted and the check list of voters qualified to vote therein shall be posted no later than January 18, 1971. The city clerk shall cause to be placed on a special ballot the following question: "Shall the provisions of an act entitled, 'An Act changing the effective date of a charter approved by the voters of the city of Laconia' passed at the 1971 session of the general court be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as herein otherwise provided, in the same manner as the election of officers. If a majority of those voting on the question at the election vote in the affirmative on the question, this act shall be declared to have been adopted. Within ten days after the election, the city clerk shall certify to the secretary of state the result of the vote. Any recount of the ballots given in at this election shall be held in accordance with the provisions of RSA 59:104 through 106, except that the application for the recount shall be made on or before February 1, 1971, and the city clerk shall appoint a time for such recount not later than three days after the receipt of such application.

36:5 Effective Date. Section 4 of this act shall take effect upon its passage and if the act shall be adopted at the referendum provided for in said section, the remainder of this act shall take effect on February 3, 1971.

[Approved January 20, 1971.]

[Effective date. Section 4 of act shall take effect upon passage and if act adopted at the referendum, remainder of this act shall take effect February 3, 1971.]

CHAPTER 37.

AN ACT ABOLISHING THE POLICE COMMISSION IN THE TOWN OF WOLFEBORO.

Be it Enacted by the Senate and House of Representatives in General Court convened:

37:1 Repeal of Police Commission for the town of Wolfeboro. Chapter 377 of the Laws of 1959, "An act establishing a police commission for the town of Wolfeboro," is hereby repealed.

37:2 Termination of Terms and Employment. On the effective date of this section the terms of office of all the police commissioners elected pursuant to the provisions of the Laws of 1959, chapter 377 and the employment of all police officers, constables and superior officers employed by them shall terminate.

37:3 Referendum. Sections 1 and 2 of this act shall not take effect unless they are adopted by a majority vote of the legal voters of the town

of Wolfeboro at the annual town meeting in March 1971. The town clerk then in office shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of 'An Act abolishing the police commission in the town of Wolfeboro' as passed by the 1971 session of the general court be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said meeting the town clerk shall certify to the secretary of state the result of said vote.

37:4 Effective Date. Section 3 of this act shall take effect upon its passage, and sections 1 and 2 of this act shall take effect as herein provided.

[Approved January 21, 1971.]

[Effective date. Section 3 of act effective upon passage and sections 1 and 2 if affirmatively voted.]

CHAPTER 38.

AN ACT TO LEGALIZE THE PROCEEDINGS OF THE SPECIAL MEETING OF
THE PEMBROKE SCHOOL DISTRICT HELD ON JULY 28, 1970.

Be it Enacted by the Senate and House of Representatives in General Court convened:

38:1 Acts and Proceedings Legalized. All the acts, votes and proceedings of the special meeting of the Pembroke school district held in the town of Pembroke on July 28, 1970, including but not limited to the bonding thereby authorized, are hereby legalized, ratified, approved and confirmed.

38:2 Effective Date. This act shall take effect upon its passage.

[Approved February 11, 1971.]

[Effective date February 11, 1971.]

CHAPTER 39.

AN ACT LEGALIZING THE SPECIAL TOWN MEETING HELD IN THE
TOWN OF NEWBURY ON MAY 23, 1970.

Be it Enacted by the Senate and House of Representatives in General Court convened:

39:1 Proceedings Legalized. All the votes and proceedings taken at the special town meeting held in the town of Newbury on May 23, 1970 are hereby legalized, ratified and confirmed.

39:2 Effective Date. This act shall take effect upon its passage.

[Approved February 18, 1971.]

[Effective date February 18, 1971.]

CHAPTER 40.

AN ACT TO AMEND THE PROPOSED CHARTER OF THE CITY OF EXETER
TO PROVIDE THAT FIVE SELECTMEN SHALL SERVE
AS COUNCILMEN AT LARGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

40:1 Proposed Charter of the City of Exeter. Amend paragraph 74 II of chapter 229 of the Laws of 1965 by striking out said paragraph and inserting in place thereof the following new paragraph: II. Notwithstanding any provisions of section 4 of this charter to the contrary, the board of selectmen of the town of Exeter shall serve as councilmen at large until the councilmen at large are elected and qualified at the first regular municipal election held as provided in section 5 of this charter.

40:2 Referendum. Amend section 76 of chapter 229 of the Laws of 1965 by adding in line six after the word "Exeter" the words (as amended) so that said section as amended shall read as follows: 229:76 Referendum. This charter does not take effect unless it is adopted by a ballot vote at a special election to be held on the third Tuesday of October, 1965, or at a subsequent referendum as provided in this section. The town clerk shall prepare the question on the ballot to read: "Shall the provisions of an act entitled 'An Act to establish the city of Exeter', as amended, be adopted?" Beneath the question he shall have printed the word "yes" and the word "no" with a square immediately opposite each word, and the voter shall vote his choice by making a cross in the appropriate square. If a majority of those voting on this question vote "yes" on this question, this act is declared adopted. If this act is not adopted at the special election, the question of the adoption of this act may again be voted on at any annual town meeting in an odd numbered year following the passage of this act if at least three per cent of the number voting at the last previous annual town meeting, all qualified voters of the town, sign a petition requesting another vote. The petition must be submitted to the selectmen at least fourteen days before the town meeting.

40:3 Effective Date. This act shall take effect upon its passage.

[Approved February 19, 1971.]

[Effective date February 19, 1971.]

CHAPTER 41.

AN ACT RELATIVE TO USE OF FUNDS HELD BY THE TRUSTEES OF THE
BOSCAWEN ACADEMY IN BOSCAWEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

41:1 Boscawen Academy. Amend section 2 of chapter 144 of the Laws of 1872, which act was in amendment of the charter of the Trustees of the Boscawen Academy in Boscawen, and as amended by the Laws of 1957, chapter 423, by striking out said section and inserting in place

thereof the following: Sect. 2. The proceeds of such sale shall be securely invested in such securities and in such a manner as the majority of said board of trustees may direct, and the annual income thereof shall be applied under the direction of said trustees for the support of the Boscawen Historical Society. The trustees shall report fully on an annual basis to the selectmen of Boscawen and their report shall be printed annually in the Boscawen town report.

41:2 Effective Date. This act shall take effect upon its passage.
[Approved March 29, 1971.]
[Effective date March 29, 1971.]

CHAPTER 42.

AN ACT VALIDATING THE MARRIAGE OF JOSEPH AND ANITA POULIN.
Be it Enacted by the Senate and House of Representatives in General Court convened:

42:1 Marriage Validated. Notwithstanding any statute to the contrary, Joseph Poulin and Anita Poulin of Berlin, New Hampshire, who have lived together as husband and wife since July 26, 1943, are hereby declared to be legally married, and to have been legally married since July 26, 1943. Any issue of Joseph Poulin and Anita Poulin are hereby declared to be legitimate.

42:2 Effective Date. This act shall take effect upon passage.
[Approved March 29, 1971.]
[Effective date March 29, 1971.]

CHAPTER 43.

AN ACT PERMITTING CHARITABLE ORGANIZATIONS TO HOLD RAFFLES.
Be it Enacted by the Senate and House of Representatives in General Court convened:

43:1 New Chapter. Amend RSA by inserting after chapter 287, the following new chapter:

CHAPTER 287-A [NEW]

RAFFLES

287-A:1 Definitions. As used in this chapter:
I. "Raffle" means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.

II. "Charitable organization" means a religious, educational, charitable, civic, veterans or fraternal organization which shall have been in existence for at least two years and is organized under the laws of this state.

287-A: 2 Raffle Authorized. A charitable organization may conduct a raffle to promote the purpose for which it was organized, in the manner hereinafter provided, and not otherwise.

287-A: 3 Printed Tickets. All raffle tickets shall be printed with the name of the charitable organization thereon, the date and place of the drawing, and the prize or prizes to be awarded and the amount of the donation.

287-A: 4 Distribution of Tickets. Raffle tickets shall be sold only to persons sixteen years of age or over and no raffle tickets shall be sold by persons other than the members of the charitable organization or such person or persons, as may be designated by the organization, and who shall receive no financial remuneration.

287-A: 5 Agency Not Permitted. No charitable organization shall act as an agent for conducting a raffle, where it is unlawful for the charitable organization's principal to conduct such a raffle.

287-A: 6 Effect on Other Laws. RSA 577: 1 to 15 inclusive shall not apply to the sale of raffle tickets in the manner provided for in this chapter.

287-A: 7 Permit Required. Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen of the town, or the mayor and aldermen of the city where the drawing for prizes is to be held. The permit shall expire at the time of the drawing, and shall not be transferable.

43: 2 Effective Date. This act shall take effect upon its passage.

[Approved April 5, 1971.]

[Effective date April 5, 1971.]

CHAPTER 44.

AN ACT RELATIVE TO THE DEPOSIT OF FUNDS WITH THE STATE TREASURER BY THE SECRETARY OF STATE OR THE FISH AND GAME DEPARTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

44: 1 Fish and Game Receipts. Amend RSA 6: 11 (supp) as amended by 1965, 239: 13 and 1967, 379: 7 by inserting in line ten after the words "department of safety" the words (the secretary of state or the fish and game department) so that said section as amended shall read as follows:

6: 11 Payments to Treasurer. All state departments and institutions, except the New Hampshire College of Agriculture and the Mechanic Arts and the University of New Hampshire, and the building projects revolving fund of the state board of education, receiving money for the state from sources outside of the state treasury, shall pay the full amount of all

said moneys intact into the state treasury weekly, or as much oftener as the governor and council shall direct, with a full and detailed statement thereof, including the date of and the source from which the same was received and the consideration therefor. Provided, however, that any check, draft, or money order received by the department of safety, the secretary of state or the fish and game department, the amount of which is incorrect or if an application is required to be submitted therewith, and said application is not so submitted or is improper or incorrect, said check, draft, or money order may be returned to the sender and not deposited with the state treasurer. Such accounts shall be stated by properly classified totals in all reports.

44:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 45.

AN ACT RELATIVE TO THE PENALTY FOR GUIDING AN UNLICENSED HUNTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

45:1 Fish and Game Licenses. Amend RSA 214:37 (supp) as amended by 1959, 29:2 and 1969, 8:1 by striking out said section and inserting in place thereof the following:

214:37 Fines. Any person who violates the provisions of this chapter shall be fined not less than fifty dollars nor more than one hundred dollars. A person who furnishes to another person, or permits another person to have or use, a license issued to himself or any other person, or changes or alters such license or coupon, or uses a license or license coupon issued to another person, or makes a false statement in an application, or knowingly guides a hunter who has not a license as provided in RSA 214, shall be fined not less than fifty dollars nor more than one hundred dollars.

45:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 46.

AN ACT APPROPRIATING ADDITIONAL FUNDS FOR THE WOMEN'S DORMITORY AT THE NEW HAMPSHIRE TECHNICAL INSTITUTE IN CONCORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

46:1 Appropriation Increased. Amend Laws of 1969, 505:4 by striking out said section and inserting in place thereof the following:

505:4 Appropriation. The sum of seven hundred twenty-three thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping a women's dormitory at the New Hampshire Technical Institute in Concord as follows:

I. Women's dormitory

(a)

(1) Building	\$592,000
(2) Parking Area—Site	25,000
(3) Utilities	10,000
(4) Furnishings and Equipment	30,000
(5) Architects Fees	41,000
(6) Contingencies	25,000

Total section 4

\$723,000*

The state treasurer shall establish a separate account for the payment of the debt service and maintenance of said building and these charges shall be covered by student fees paid into said account.

46:2 Bonding Increased. Amend Laws of 1969, 505:8 as amended by 1970, 29:2 by striking out said section and inserting in place thereof the following:

505:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3 and 4 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of nineteen million, eight hundred and thirty-five thousand eight hundred eight dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

46:3 Effective Date. This act shall take effect upon its passage.

[Approved April 8, 1971.]

[Effective date April 8, 1971.]

*This authorized appropriation shall be reduced by applicable Federal funds.

CHAPTER 47.

AN ACT PROVIDING PAYMENT TO PERSONS FOR LOSS OF EXISTING
MORTGAGE FINANCING WHERE SUCH PERSONS ARE DISPLACED
AS A RESULT OF HIGHWAY ACTIVITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

47:1 Payments for Loss of Existing Mortgage Financing. Amend RSA 233-A (supp) by inserting after section 5, as inserted by 1969, 339:1 the following:

233-A:5-a [New] Compensation for Loss of Existing Mortgage Financing. In addition to amounts otherwise authorized by this chapter, the commissioner shall pay to the owner of real property acquired for a project an amount which is sufficient to compensate for the loss of exist-

ing mortgage financing. Such amount shall be paid only if the dwelling acquired by the state was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

47:2 Effective Date. This act shall take effect as of January 2, 1971.

[Approved April 8, 1971.]

[Effective date January 2, 1971.]

CHAPTER 48.

AN ACT PROVIDING FOR THE COMMISSIONERS OF SAFETY AND EDUCATION TO DEVISE STANDARDS FOR THE CONDUCT OF DRIVER EDUCATION COURSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

48:1 Standards for the Conduct of Driver Education Courses. Amend RSA 106-A:2-a (supp) as inserted by 1965, 339:5 by striking out said section and inserting in place thereof the following:

106-A:2-a [New] Driver Education. The commissioner of safety shall act jointly with the commissioner of education in devising and adopting regulations which regulations shall be effective when adopted by said commissioners and from and after the time copies thereof are first made available for distribution to those who request them from the department of safety or the department of education, relating to driver education courses to be given in the secondary schools of the state and those schools licensed under the provisions of RSA 263-A, and relating to the licensing of said schools and of teachers and instructors thereof, which regulations shall cover the subjects of:

I. Facilities and equipment;

II. The educational background and other qualifications of teachers and instructors;

III. Curriculum and hours during which instruction may be given;

IV. Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law;

V. Payments to secondary schools or districts;

VI. Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263-A; and

VII. Any other subjects which in the judgment of said commissioners require regulation to promote the effectiveness of driver education courses.

48:2 Drivers' School License Denial. Amend RSA 263-A:3 as inserted by 1955, 208:1 by inserting after paragraph VII the following new paragraph:

VIII. Such applicant has failed to comply with any applicable regulation adopted pursuant to RSA 106-A: 2-a.

48:3 Revocation of Drivers' School License. Amend RSA 263-A: 5, III as inserted by 1955, 208: 1 by striking out said paragraph and inserting in place thereof the following:

III. The licensee has failed to comply with any of the provisions of this chapter or any applicable regulation adopted pursuant to RSA 106-A: 2-a.

48:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 49.

AN ACT PERMITTING EIGHTEEN YEAR OLDS TO SERVE LIQUOR AND
BEVERAGE IN CERTAIN CASES AS AN INCIDENT TO HIS OR HER
PRIMARY EMPLOYMENT OF SERVING FOOD, LIQUOR
OR BEVERAGE TO PATRONS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

49:1 Liquor or Beverages. Amend RSA 175: 8 (supp) as amended by 1959, 224: 1; 1969, 284: 1 and 1969, 462: 1 by striking out said section and inserting in place thereof the following:

175:8 Employment of Minors. No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, except that a person eighteen years of age or older may be employed to serve liquor or beverage in the dining room of a hotel licensed under the provisions of RSA 178: 3, a restaurant licensed under the provisions of RSA 178: 3-a or a golf club licensed under the provisions of RSA 178: 8 as an incident to his or her primary employment of serving food to patrons; and provided further, that an adult person approved by the commission shall be in attendance in said rooms during the time of such employment. Provided, however, that the holder of an off-sale permit may employ minors of not less than sixteen years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment.

49:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 50.

AN ACT PROVIDING FOR CHANGING THE CLASSIFICATION OF PLEASANT LAKE IN THE TOWN OF NEW LONDON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

50:1 Reclassification. On or after the effective date of this act, and at such time as it shall be demonstrated to the satisfaction of the water supply and pollution control commission that the waters of Pleasant Lake in the town of New London meet the quality standards established for class A waters, the waters of said lake shall be so reclassified to class A and subject to the standards enumerated in RSA 149: 3, I. The water supply and pollution control commission shall issue a suitable proclamation at the time of such establishment.

50:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 51.

AN ACT PROVIDING FOR CHANGING THE CLASSIFICATION OF LITTLE LAKE SUNAPEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

51:1 Reclassification. On or after the effective date of this act, and at such time as it shall be demonstrated to the satisfaction of the water supply and pollution control commission that the waters of Little Lake Sunapee in the towns of New London, Springfield, Sunapee and Newbury meet the quality standards established for class A waters, the waters of said lake shall be so reclassified to class A and subject to the standards enumerated in RSA 149: 3, I. The water supply and pollution control commission shall issue a suitable proclamation at the time of such establishment.

51:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 8, 1971.]

[Effective date June 7, 1971.]

CHAPTER 52.**AN ACT AMENDING THE CHARTER OF THE MANCHESTER
CHILDREN'S HOME.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

52:1 Object. Amend Laws of 1897, 165 by striking out section 2 as amended by 1899, 220:1 and inserting in place thereof the following: Sect. 2. Objects. The objects of this corporation shall be to provide and maintain in New Hampshire a home for children; to provide group care and treatment for children whose needs cannot at the time be adequately met in the family; to offer opportunities for or variety of experiences in a group living program; and to provide multiple and specialized services, including foster family care as well as services to the child in his own home so that the appropriate service can be selected for the child as he needs it. The city of Manchester is hereby authorized to exempt the property of said corporation from taxation for such term of years as it may deem proper.

52:2 Non-Discrimination. Amend Laws of 1897, 165 by inserting after section 2 the following new section: Sect. 2-a. Policy of Non-Discrimination. The policy of the corporation shall be to operate without discrimination with respect to race, national origin, religion, color or sex in relation to services rendered to children and adults, in relation to the recruitment, hiring, promotion and retention of employees and in relation to serving as members, officers, directors and on committees of the corporation.

52:3 Members and Officers. Amend Laws of 1897, 165 by striking out section 3 and inserting in place thereof the following: Sect. 3. Officers. The members and officers of this corporation, their several terms of office, mode of election, respective duties, and all other things appertaining thereto shall be defined and established in by-laws adopted by the corporation.

52:4 Quorum at Annual Meeting. Amend Laws of 1897, 165 by striking out section 4 and inserting in place thereof the following: Sect. 4. Meetings and Quorums. The annual meeting shall be held at such time and place and upon such notice as the by-laws may provide. A majority of the members of the board of directors shall constitute a quorum at the annual meeting or at any meeting called for the amendment of the by-laws unless the by-laws are amended to require otherwise.

52:5 Federal Tax Laws. Amend Laws of 1897, 165 by striking out section 6 and inserting in place thereof the following: Sect. 6. Compliance with Federal Tax Laws. In order to comply with federal tax laws:

(a) The corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by section 4942 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(b) The corporation shall not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(c) The corporation shall not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(d) The corporation shall not make any investments in such manner as to subject it to tax under section 4944 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(e) The corporation shall not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(f) In the event of termination, dissolution or winding up of this organization in any manner or for any reason whatsoever, its remaining assets, if any, shall be distributed to (and only to) one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1954.

52:6 Effective Date. This act shall take effect upon its passage.

[Approved April 22, 1971.]

[Effective date April 22, 1971.]

CHAPTER 53.

AN ACT RELATING TO OCCUPATIONAL HEALTH SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

53:1 Authority to Investigate. Amend RSA 125:16, I, as amended by 1961, 222:1 by striking out the same and inserting in place thereof the following:

I. To investigate all commercial enterprises and establishments employing one or more persons who, by the nature of the work environment, may be exposed to agents which may be deleterious to the health, as determined by the consensus of opinion of competent scientific authorities, including, but not limited to, noxious gases, fumes, dusts, ultraviolet light, and sonic wave. The department of health and welfare, division of public health services shall make such technical studies and recommendations as required to protect the health of such person or persons.

53:2 Duties. Amend RSA 125:17 as amended by 1961, 222:1 by striking out said section and inserting in place thereof the following:

125:17 —Duties of Commissioner of Labor. The department of health and welfare, division of public health services, shall forward to the commissioner of labor for his information, copies of all rules and regulations and investigations made under the provisions of RSA 125:16. The labor commissioner shall adopt the provisions of such rules and regulations in the form of standards established by him pursuant to the provisions of RSA 277. The commissioner of labor may request the bureau of occupational health of the department of health and welfare, division of public health services, to investigate and study any occupational health hazard which may come to his attention.

53:3 Penalty. Amend RSA 125:18 by striking out in line four the words "ten" and "twenty-five" and inserting in place thereof the words (fifty) and (five hundred) so that said section as amended shall read as follows:

125:18 —Penalty on Noncomplying Employer. Any employer who shall neglect or refuse to comply with the provisions of RSA 125:16, or with the provisions of any rules and regulations adopted as provided therein shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and each day any employer neglects or refuses to comply therewith shall constitute a separate offense.

53:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 54.

AN ACT RELATIVE TO THE SUSPENSION OF MOTOR VEHICLE LICENSES
OF MINORS IN POSSESSION OF ALCOHOLIC BEVERAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

54:1 Suspension of License Discretionary. Amend RSA 262:40-a, I as inserted by 1959, 216:1 and as amended by 1965, 242:1 by striking out in line four after the word "vehicle" the word "shall" and inserting in place thereof the word (may) so that said paragraph as amended shall read as follows:

I. Any person under the age of twenty-one years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for three months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

54:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 55.

AN ACT TO INCREASE THE PERMISSIBLE MAXIMUM DOLLAR LIMIT OF
CERTAIN FORCE ACCOUNT CONTRACTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

55:1 Exemption for Contracts of Certain Departments. Amend RSA 228:4, I-a as inserted by 1957, 257:1 by striking out said paragraph and inserting in place thereof the following:

I-a. Notwithstanding the provisions of paragraph I projects for the fish and game department or for the division of parks of the department of resources and economic development, in excess of ten thousand dollars and not more than one hundred thousand dollars, may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interests of the state, with the approval of the governor and council.

55:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 56.

AN ACT TO CLARIFY THE AIRCRAFT OPERATING FEE FORMULA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

56:1 State Aeronautics Commission Fees. Amend RSA 422:37, XII as inserted by 1961, 261:2 by inserting in line thirteen after the word "years" the following words (For the purpose of this section, all manufacturers' list prices shall be deemed to be the multiple of one thousand dollars closest to the actual manufacturer's list price) so that said paragraph as amended shall read as follows:

XII. For each aircraft for which a state registration certificate is required by sections 24 to 33, paragraph VIII of this section and paragraph IV of section 38. The amount of the fee shall be one cent per pound of the maximum certificated gross weight of the aircraft plus fifteen dollars or the number of mills per dollar of the manufacturer's list price, whichever is greater, as follows:

6 mills for aircraft manufactured in current calendar year;

5 mills for aircraft manufactured in first preceding year;

4 mills for aircraft manufactured in second preceding year;

3 mills for aircraft manufactured in third preceding year;

2 mills for aircraft manufactured in fourth preceding year;

1 mill for aircraft manufactured in fifth to tenth preceding years and

fifteen dollars for aircraft manufactured in prior years. For the purpose of this section, all manufacturers' list prices shall be deemed to be the multiple of one thousand dollars closest to the actual manufacturer's list price. The director shall make the final determination of year of manufacture of any aircraft in any case in which a dispute arises.

56:2 Effective Date. This act shall take effect on April 1, 1972.

[Approved April 22, 1971.]

[Effective date April 1, 1972.]

CHAPTER 57.

AN ACT RELATIVE TO THE MEMBERSHIP OF SCHOOL BOARDS IN CERTAIN SCHOOL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

57:1 Increase of Membership Authorized in Districts. Amend RSA 197:15 (supp) as amended by 1961, 45:1 and 1967, 343:1 by striking out said section and inserting in place thereof the following:

197:15 School Board. Any district may have a school board consisting of three, five, seven or nine members, as it determines by vote or by law adopted at any annual meeting. Whenever a district determines to change the number of board members, it shall also determine the number of members to be elected each year beginning with that year so that the board will increase or decrease in membership so that there will always be an uneven number of members until the desired number is reached.

57:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 58.

AN ACT RELATIVE TO FEDERAL AID FOR AIRPORT AND AIRWAY DEVELOPMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

58:1 State Aeronautics Commission. Amend RSA 422:19 by striking out said section and inserting in place thereof the following:

422:19 Federal Aid for Airport and Airway Development. No municipality in this state, whether acting alone or jointly with another municipality or with the state, shall submit to any agent of the federal government any project application under the provisions of section 16(a) of the act of congress, approved May 21, 1970, being public law 91-258, 91st congress, known and hereinafter designated as the "Airport and Airway Development Act of 1970" or any amendment thereof, unless the project and project application have been first approved by the commission. No such municipality shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the airport and airway development act, but it shall designate the director of aeronautics as its agent and in its behalf to accept, receive, receipt for and disburse such funds. It shall enter into an agreement with the director prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state. Such moneys as are

paid over by the United States government shall be retained by the state or paid over to said municipality under such terms and conditions as may be imposed by the United States government in making such grant.

58:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

CHAPTER 59.

AN ACT AMENDING THE DEFINITION OF AN AIR NAVIGATION FACILITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

59:1 Definitions. Amend RSA 422:3, VI by striking out said paragraph and inserting in place thereof the following:

VI. "Air navigation facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or landing area, and any combination of any or all of such facilities.

59:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 60.

JOINT RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION
FOR THE RACING COMMISSION.

Resolved by the Senate and House of Representatives in General Court convened:

The following sums are hereby appropriated for the fiscal year ending June 30, 1971 to be used by the racing commission for the following purposes: ten thousand five hundred dollars for harness racing other personal expenses; and one thousand dollars for harness racing current expenses. These sums are in addition to any other sums appropriated for the same purposes. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved April 22, 1971.]

CHAPTER 61.

AN ACT PROVIDING FOR CERTAIN TRANSFERS IN THE APPROPRIATIONS
FOR FISCAL YEAR 1971 FOR THE DIVISION OF
VOCATIONAL REHABILITATION.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

61:1 Transfers. Notwithstanding any other statutes to the contrary, there is hereby transferred from the sums available to the division of vocational rehabilitation in the department of education for the fiscal year ending June 30, 1971, from out of state travel the sum of \$3,500 and from out of state travel vocational rehabilitation—cooperative program—federal \$1,000 and from cooperative program—federal personal services permanent \$100,000; \$3,500 to vocational rehabilitation other expenditures, case services and \$101,000 to vocational rehabilitation—cooperative program—federal other expenditures-other.

61:2 Effective Date. This act shall take effect upon passage.

[Approved April 22, 1971.]

[Effective date April 22, 1971.]

CHAPTER 62.

AN ACT RELATIVE TO THE COMMITMENT OF DRUG DEPENDENT PERSONS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

62:1 Procedure for Examining Drug Dependent Persons. Amend RSA 172: 13, II-a (supp) as inserted by 1969, 501: 6 by striking out said paragraph and inserting in place thereof the following:

II-a. When a person is indicted for any felony, is bound over by any district or municipal court to await the action of the grand jury on any felony, or is charged with a misdemeanor, and question as to the drug dependency of said person is raised by either party, any justice of the superior, district or municipal court may, after hearing, order such person to be examined under the supervision and in accordance with the instructions of the executive director of the program on alcohol and drug abuse to determine whether said person is drug dependent. Pending the examination and report of the executive director, such person, at the discretion of the court, may be placed in the immediate care and custody of the executive director of the program on alcohol and drug abuse; an alcohol-drug abuse clinic; a mental health clinic or center; the New Hampshire state hospital; or any other responsible individual or diagnostic-treatment facility, or released on bail or personal recognizance, or confined to the county jail until further order of the court. The executive director shall report the results of the examination and his findings to the court in writing.

62:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 22, 1971.]

[Effective date June 21, 1971.]

CHAPTER 63.

AN ACT TO REDUCE THE PERCENTAGE OF ALCOHOL IN THE BLOOD
CONSTITUTING PRIMA FACIE EVIDENCE OF INTOXICATION AND
RELATIVE TO SAMPLES TAKEN FOR THE PURPOSES OF THE
IMPLIED CONSENT LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

63:1 Evidence of Intoxication under Motor Vehicle Laws. Amend RSA 262-A: 63 as inserted by 1963, 330: 1 by striking out in line nine the word "fifteen-hundredths" and inserting in place thereof the following word (ten-hundredths) and by striking out in line fourteen the word "fifteen-hundredths" and inserting in place thereof the following word (ten-hundredths) so that said section as amended shall read as follows:

262-A: 63 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of section 62, the court may admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a chemical analysis of his breath, urine, or other bodily substance. Evidence that there was, at the time alleged, five-hundredths percent, or less, by weight of alcohol in his blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, from five-hundredths percent to ten-hundredths percent by weight of alcohol in his blood is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, ten-hundredths percent, or more by weight of alcohol in his blood, is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

63:2 Quantity of Sample. Amend RSA 262-A: 69-b as inserted by 1965, 238: 1 by inserting at the end thereof the following new sentence: (For the purposes of this section, the sample of blood or urine taken pursuant to section 69-a shall be of sufficient quantity to allow two tests and the testing laboratory shall retain for a period of thirty days subsequent to the test conducted pursuant to section 69-a, a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his counsel immediately upon request.) so that said section as amended shall read as follows:

262-A: 69-b Additional Tests. Any person to whom section 69-a is applicable shall have the right at his own expense to have a similar test or tests made by any person of his own choosing and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a chemical test under the provisions of section 69-a. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of the test or tests taken at the direction of a law en-

forcement officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section, the sample of blood or urine taken pursuant to section 69-a shall be of sufficient quantity to allow two tests and the testing laboratory shall retain for a period of thirty days subsequent to the test conducted pursuant to section 69-a, a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his counsel immediately upon request.

63:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 23, 1971.]

[Effective date June 22, 1971.]

CHAPTER 64.

AN ACT AUTHORIZING THE USE OF BREATH TESTS TO DETERMINE THE PERCENTAGE OF ALCOHOL IN THE BLOODSTREAM OF MOTOR VEHICLE OPERATORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

64:1 Breath Test. Amend RSA 262-A: 69-a (supp) as inserted by 1965, 238: 1 and amended by 1969, 119: 2 by striking out said section and inserting in place thereof the following:

262-A: 69-a Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to a chemical test or tests, of any or all or any combination of the following: blood, urine, and breath; for the purpose of determining the alcoholic, narcotic or drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, narcotics or drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within forty-eight hours of receipt of the report by the agency by registered mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

64:2 Administration of Breath Tests. Amend RSA 262-A: 69-i as inserted by 1965, 238: 1 by striking out said section and inserting in place thereof the following:

262-A: 69-i Persons Qualified to Administer Tests.

I. Only a duly licensed physician or qualified medical laboratory technician acting at the request of a law enforcement officer may withdraw blood

for the purpose of a chemical test required by RSA 262-A: 69-a. Such physician or qualified medical laboratory technician shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the physician or qualified medical laboratory technician acts with ordinary care.

II. All such blood and urine tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the bureau of food and chemistry, division of public health.

III. Chemical analyses of the arrested person's breath, to be considered valid under the provisions of this act, shall have been performed according to methods approved by the director of the division of public health, and by a person certified for this purpose by the director of the division of public health. The director of the division of public health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to make certifications of such individuals, which certifications shall be subject to termination or revocation at the discretion of the director of the division of public health.

IV. No chemical tests authorized by RSA 262-A: 69-a shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the director of the division of public health.

64:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 23, 1971.]

[Effective date June 22, 1971.]

CHAPTER 65.

AN ACT PROVIDING THAT VOTING RESIDENCE IS NOT LOST BY BEING IN
A NURSING OR CONVALESCENT HOME OR HOSPITAL.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

65:1 Confinement in Nursing Home or Hospital. Amend RSA 54:10 by inserting at the end thereof the following (nor while a patient in any nursing or convalescent home or hospital) so that said section as amended shall read as follows:

54:10 Temporary Absence. A residence acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom, with the intention of returning thereto as his home. No person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas, nor while a teacher in or student of any seminary of learning, nor while confined in any public prison or other penal institution nor while a patient in any nursing or convalescent home or hospital.

65:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 66.

AN ACT RELATIVE TO BOB HOUSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

66:1 Penalty for Burning Bob Houses. Amend RSA 211:17-a, III (supp) as inserted by 1969, 38: 1 by striking out said paragraph and inserting in place thereof the following:

III. No person owning or placing a smelt shanty or bob house on the ice for the purpose of ice fishing shall conspire with another to burn said bob house or smelt shanty thereon. Whoever violates the provisions of this paragraph shall be fined not more than fifty dollars.

66:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 67.

AN ACT CREATING AN INTERIM COMMITTEE TO STUDY THE PROBLEMS OF DISPOSING OF BEVERAGE BOTTLES AND CANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

67:1 Committee Established. There is hereby established a legislative study committee of ten members to study proposals for the recycling of bottles and cans. Said committee to include in its membership one person from the general public, one person from the soft drink industry, one person from the retail grocers' association and one person from the malt beverage industry, said four to be appointed by the governor; three members from the house environmental quality and agriculture committee, appointed by the speaker of the house, and three members of the senate resources and environmental control committee, appointed by the president of the senate, with recommendation of the chairman of said committees. The committee shall make a careful study of the problems engendered by the disposal of beverage containers and of the need or advisability of the enactment of laws relating to the subject. The committee shall have full power and authority to require from the several departments, agencies and officials of the state and of the political subdivisions of the state such information and assistance as it may deem necessary for the purposes hereof, and may conduct such public hearings as it shall see fit. The committee shall report its findings and recommendations, together with drafts

of any proposed legislation necessary to carry out such recommendations, to the next regular session of the legislature before the end of the second week of said session and shall submit an interim report by January 15, 1972 which shall include any preliminary findings and recommendations. Committee members shall receive no compensation for their services, however, legislator members shall be paid mileage.

67:2 Effective Date. This act shall take effect on passage.

[Approved April 27, 1971.]

[Effective date April 27, 1971.]

CHAPTER 68.

AN ACT EMPOWERING THE PESTICIDES CONTROL BOARD TO PROHIBIT OR RESTRICT THE SALE AND USE OF CERTAIN PESTICIDES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

68:1 Restricted Sales. Amend RSA 149-D:7 (supp) as inserted by 1965, 368:1 and amended by 1967, 270:5 by inserting after paragraph IV the following new paragraphs:

V. Regulations which restrict or prohibit the sale and/or use by commercial applicators or any other person of pesticides which the board finds to be injurious or reasonably likely to be injurious to man or other living things other than those the pesticides are intended to control.

VI. Regulations which may designate those types of commercial establishments where particular pesticides may be sold.

68:2 Exemptions Limited. Amend RSA 149-D:9, II (supp) as inserted by 1967, 270:6 by striking out in lines three through five all after the word "sale" and inserting in place thereof the following: (provided, however, that no pesticide, the sale or use of which in the state is prohibited or restricted by the board, may be applied under this paragraph except in accordance with said restriction or prohibition and provided further that a person applying pesticides as allowed by this paragraph shall not allow any pesticides to enter any stream or body of water by reason of such application) so that said paragraph as amended shall read as follows:

II. The application of pesticides within, around, under, or in the immediate vicinity of buildings by the property owner, providing crops raised therein or thereon are not offered for sale; provided, however, that no pesticide, the sale or use of which in the state is prohibited or restricted by the board, may be applied under this paragraph except in accordance with said restriction or prohibition and provided further that a person applying pesticides as allowed by this paragraph shall not allow any pesticides to enter any stream or body of water by reason of such application.

68:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 69.

AN ACT PROVIDING FOR PORT AUTHORITY APPOINTED PILOTS TO PILOT CERTAIN VESSELS IN THE PISCATAQUA RIVER AND HARBOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

69:1 Appointed Pilots Required. Amend RSA 271-A:7-a (supp) as inserted by 1969, 350:3 by striking out said section and inserting in place thereof the following:

271-A:7-a [New] Pilots Required. All vessels are hereby required to be piloted by a pilot appointed by the authority into and out of the Piscataqua River and Harbor from a point south of a line drawn east and west from Whale's-back lighthouse. Provided, however, that the requirements of this section shall not apply to pleasure or fishing vessels or vessels of not more than one hundred and fifty registered or enrolled tons.

69:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 70.

AN ACT RELATIVE TO ENACTING THE UNIFORM STATE FEED BILL AND REPEALING THE COMMERCIAL FEED LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

70:1 Uniform State Feed Bill Adopted. Amend RSA by inserting after chapter 441 the following new chapter:

CHAPTER 441-A [NEW]

COMMERCIAL FEED LAW OF 1971

441-A:1 Title. This chapter shall be known as the New Hampshire commercial feed law of 1971.

441-A:2 Enforcing Official. This chapter shall be administered by the commissioner of agriculture of the state of New Hampshire, hereinafter referred to as the commissioner.

441-A:3 Definitions of Words and Terms When Used in this Chapter:

I. The term "person" includes individual, partnership, corporation, and association.

II. The term "distribute" means to offer for sale, sell, exchange, or barter, commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

III. The term "distributor" means any person who distributes.

IV. The term "commercial feed" means all materials except unmixed seed, whole or processed, when not adulterated within the meaning of RSA 441-A: 7, I, II, III, IV which are distributed for use as feed or for mixing in feed: provided, that the commissioner by regulation may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds or substances are not inter-mixed or mixed with other materials, and are not adulterated within the meaning of RSA 441-A: 7, I, II, III, IV.

V. The term "feed ingredient" means each of the constituent materials making up a commercial feed.

VI. The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

VII. The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.

VIII. The term "customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

IX. The term "manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

X. The term "brand name" means any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

XI. The term "product name" means the name of the commercial feed which identifies it as to kind, class or specific use.

XII. The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

XIII. The term "labeling" means all labels and other written, printed, or graphic matter (a) upon a commercial feed or any of its containers or wrapper or (b) accompanying such commercial feed.

XIV. The term "ton" means a net weight of two thousand pounds avoirdupois.

XV. The term "per cent" or "percentages" means percentages by weights.

XVI. The term "official sample" means a sample of feed taken by the commissioner or his agent in accordance with the provisions of RSA 441-A: 11, III, V and VI.

XVII. The term "contract feeder" means a person who as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.

XVIII. The term "pet food" means any commercial feed prepared and distributed for consumption by pets.

441-A: 4 Registration.

I. No person shall manufacture a commercial feed in this state unless he has filed with the department of agriculture, on forms provided by the

department, his name and place of business and the location of each manufacturing facility in this state.

II. No person shall distribute in this state a commercial feed, except a customer formula feed, which has not been registered pursuant to the provisions of this section. Applications for registration, accompanied by a twenty dollar per-brand registration fee, shall be submitted in a manner prescribed by the commissioner. Upon approval by the commissioner a registration shall be issued to the applicant. All registrations shall expire on the thirty-first day of December of each year.

III. The commissioner is empowered to refuse to register any commercial feed not in compliance with the provisions of this chapter and to cancel any registration subsequently found not to be in compliance with any provision of this chapter; provided, that upon the refusal of registration, the twenty dollar registration fee shall be returned to the applicant and provided further that no registration shall be refused or cancelled unless the applicant or registrant shall have been given an opportunity to appear at a hearing before the commissioner and to amend his application in order to comply with the requirements of this chapter.

441-A: 5 Labeling. A commercial feed shall be labeled as follows:

I. In case of a commercial feed, except a customer-formula feed, it shall be accompanied by a label bearing the following information:

(a) The net weight.

(b) The product name and the brand name, if any, under which the commercial feed is distributed.

(c) The guaranteed analysis stated in such terms as the commissioner by regulation determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the association of official analytical chemists.

(d) The common or usual name of each ingredient used in the manufacture of the commercial feed: Provided, that the commissioner by regulation may permit the use of a collective term for a group of ingredients which perform a similar function, or he may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if he finds that such statement is not required in the interest of consumers.

(e) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(f) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the commissioner may require by regulation as necessary for their safe and effective use.

(g) Such warning or caution statements as the commissioner by regulation determines are necessary for the safe and effective use of the commercial feed.

II. In the case of a customer-formula feed, it shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing the following information:

(a) Name and address of the manufacturer.

(b) Name and address of the purchaser.

(c) Date of delivery.

(d) The product name and brand name, if any, and the net weight of each registered commercial feed used in the mixture, and the net weight

of each other ingredient used.

(e) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the commissioner may require by regulation as necessary for their safe and effective use.

(f) Such warning or caution statements as the commissioner by regulation determines are necessary for the safe and effective use of the customer-formula feed.

441-A: 6 Misbranding. A commercial feed shall be deemed to be misbranded:

I. If its labeling is false or misleading in any particular.

II. If it is distributed under the name of another commercial feed.

III. If it is not labeled as required by RSA 441-A: 5.

IV. If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the commissioner.

V. If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

441-A: 7 Adulteration. A commercial feed shall be deemed to be adulterated:

I. (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subparagraph if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the federal food, drug and cosmetic act (other than one which is (1) a pesticide chemical in or on a raw agricultural commodity; or (2) a food additive); or

(c) If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the federal food, drug and cosmetic act; or

(d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the federal food, drug and cosmetic act: Provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the federal food, drug and cosmetic act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible

product of the animal, which is unsafe within the meaning of section 408(a) of the federal food, drug and cosmetic act.

II. If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

III. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

IV. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commissioner shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the federal food, drug and cosmetic act, unless he determines that they are not appropriate to the conditions which exist in this state.

V. If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by rule or regulation.

441-A: 8 Prohibited Acts. The following acts and the causing thereof within the state are hereby prohibited:

I. The manufacture or distribution of any commercial feed that is adulterated or misbranded.

II. The adulteration or misbranding of any commercial feed.

III. The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of RSA 441-A: 7, I, II, III and IV.

IV. The removal or disposal of a commercial feed in violation of an order under RSA 441-A: 12.

V. The failure or refusal to register in accordance with RSA 441-A: 4.

VI. The violation of RSA 441-A: 13, VI.

441-A: 9 Rules and Regulations. The commissioner is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this chapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter. In the interest of uniformity the commissioner shall by regulation adopt, unless he determines that they are inconsistent with the provisions of this chapter and are not appropriate to conditions which exist in this state, the following:

I. The official definitions of feed ingredients and official feed terms adopted by the association of American feed control officials and published in the official publication of that organization, and

II. Any regulation promulgated pursuant to the authority of the federal food, drug and cosmetic act (U.S.C. sec. 301 et seq.): Provided, that the commissioner would have the authority under this chapter to promulgate such regulations.

441-A: 10 Publication of Notice. Before the issuance, amendment, or repeal of any rule or regulation authorized by this chapter, the commissioner shall publish the proposed regulation, amendment, or notice to repeal an existing regulation in a manner reasonably calculated to give interested parties, including all current registrants, adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally

or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the commissioner shall take appropriate action to issue the proposed rule or regulation or to amend or repeal an existing rule or regulation. The provisions of this section notwithstanding, if the commissioner, pursuant to the authority of this chapter, adopts the official definitions of feed ingredients or official feed terms as adopted by the association of American feed control officials, or regulations promulgated pursuant to the authority of the federal food, drug and cosmetic act, any amendment or modification adopted by said association or by the secretary of health, education and welfare in the case of regulations promulgated pursuant to the federal food, drug and cosmetic act, shall be adopted automatically under this chapter without regard to the publication of the notice required by this section unless the commissioner by order specifically determines that said amendment or modification shall not be adopted.

441-A: 11 Inspection, Sampling and Analysis.

I. For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the commissioner, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (a) to enter, during normal business hours, any factory, warehouse, or establishment within the state in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and (b) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under RSA 441-A: 7, IV.

II. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

III. If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

IV. If the owner of any factory, warehouse or establishment described in paragraph I or his agent, refuses to admit the commissioner or his agent to inspect in accordance with paragraphs I and II, the commissioner is authorized to obtain from any state court a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

V. For the purpose of the enforcement of this chapter, the commissioner or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

VI. Sampling and analysis shall be conducted in accordance with methods published by the association of official analytical chemists, or in accordance with other generally recognized methods.

VII. The results of all analyses of official samples shall be forwarded by the commissioner to the person named on the label and to the purchaser. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty days following receipt of the analysis the commissioner shall furnish to the registrant a portion of the sample concerned.

VIII. The commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in RSA 441-A:3, XVI and obtained and analyzed as provided for in paragraphs III, V and VI above.

441-A:12 Detained Commercial Feeds.

I. "Withdrawal from distribution" orders: When the commissioner or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this chapter or of any of the prescribed regulations under this chapter, he may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the commissioner may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

II. "Condemnation and Confiscation": Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: Provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

441-A:13 Penalties.

I. Any person convicted of violating any of the provisions of this chapter or who shall impede, hinder or otherwise prevent or attempt to prevent the commissioner or his duly authorized agent in performance of his duty in connection with the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not less than one hundred nor more than two hundred dollars for the first violation and not less than two hundred nor more than five hundred dollars for a subsequent violation.

II. Nothing in this chapter shall be construed as requiring the commissioner or his representative to (a) report for prosecution, or (b) institute seizure proceedings, or (c) issue a withdrawal from distribution order as a result of minor violations of this chapter or when the commissioner believes the public interest will be best served by suitable notice of warning in writing.

III. It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in the superior court of his county without delay. Before the commissioner reports any violation for such prosecution, an opportunity shall be afforded the distributor involved, to present his view to the commissioner at a hearing.

IV. The commissioner is hereby authorized to apply for and the superior court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under this chapter notwithstanding the existence of any other remedies at law. Said injunction shall be issued without bond.

V. Any person adversely affected by an act, order or ruling of the commissioner made pursuant to the provisions of this chapter may avail himself of the provisions for rehearing and appeal in RSA 541.

VI. Any person who uses to his own advantage or reveals to other than the commissioner, employees of the department of agriculture, officers or employees of governmental agencies designated by the commissioner or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this chapter concerning any method, records, formulations or processes which, as trade secrets, are entitled to protection shall be guilty of a misdemeanor and shall, upon conviction therefor, be fined not more than one thousand dollars or imprisoned for not more than six months or both; provided, however, that this prohibition shall not be deemed as prohibiting the commissioner or his duly authorized representative from exchanging information of a regulatory nature with duly appointed officials of either the United States government or other states who are similarly prohibited by law from revealing this information.

441-A:14 Cooperation with Other Entities. The commissioner may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter.

441-A:15 Publication of Information. The commissioner shall publish at least annually, in such form as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label: Provided, that the information concerning production and use of commercial feed shall not disclose the operations of any person.

70:2 Commercial Feed Law Repealed. RSA 442 relative to the commercial feed law is hereby repealed.

70:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 71.

AN ACT RELATIVE TO PAYMENT OF VACATION WAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

71:1 Vacation Pay. Amend RSA 275:43 by inserting after paragraph II the following new paragraph:

III. Vacation pay, when it is a matter of employment practice or policy, or both, shall be considered wages pursuant to RSA 275:42, III, when due.

71:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 72.AN ACT RELATIVE TO NUMBER OF BALLOTS TO BE PRINTED FOR
PRIMARY ELECTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

72:1 Ballots to be Printed. Amend RSA 56 by inserting after section 32 the following new section:

56:32-a [New] Number for New Party. For the first primary election at which a political party has candidates for nomination the secretary of state shall print for said party a sufficient number of ballots which in his sole discretion shall most closely approximate the figures provided for in RSA 56:32.

72:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 73.AN ACT REQUIRING THAT THE ARTICLES OF AGREEMENT OF
VOLUNTARY CORPORATIONS AND ASSOCIATIONS PROVIDE FOR
THE DISPOSITION OF THE ASSETS OF SUCH CORPORATIONS UPON
THEIR DISSOLUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

73:1 Provisions of Articles of Agreement. Amend RSA 292:2 by striking out said section and inserting in place thereof the following new section:

292:2 Articles of Agreement. The articles of agreement shall contain the following:

- I. The name of the corporation;
- II. The object for which the corporation is established;
- III. The provisions for disposition of the corporate assets in the event of dissolution of the corporation;
- IV. The address at which the business of the corporation is to be carried on;
- V. The amount of capital stock, if any, or the number of shares, if any;
- VI. The signature and post office address of each of the persons associating together to form the corporation.

73:2 Amending Articles. Amend RSA 292:7 by striking out in lines four and five the word "association" and inserting in place thereof the following word (agreement) so that said section as amended shall read as follows:

292:7 Change of Name; Amending Articles. Any corporation now or hereafter organized in accordance with the provisions hereof, and any existing corporation which might have been so organized, may change its name, increase or decrease its capital stock, or amend its articles of agreement, by a majority vote of such corporation, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state and in the office of the clerk of the town or city in this state which is its principal place of business.

73:3 Procedure for Raising Money. Amend RSA 292:8 by striking out in line two the words "agreement of association" and inserting in place thereof the words (articles of agreement) so that said section as amended shall read as follows:

292:8 Raising Money. It may raise money of its members in any manner provided for in its articles of agreement, or in its bylaws.

73:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 74.

AN ACT RELATIVE TO THE DEFINITION OF A CHILD-CARING AGENCY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

74:1 Child-Caring Agency; Definition Revised. Amend RSA 170:2 (supp) as amended by 1957, 116:2; 1961, 135:1 and 222:1; 1963, 40:1; 1965, 366:2 and 1969, 217:1 by striking out said section and inserting in place thereof the following:

170:2 Child-Caring Agency. A child-caring agency is any person, firm, corporation or association who:

- I. Operates or maintains a boarding home, foster home, or institution for children, or

II. Receives for foster care, custody or control one or more children under the age of sixteen years any one of which stands in a relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin who are separated from their parent or guardian, except children committed by a court; or during part or all of the day regularly gives care to one or more children, any one of which stands in a relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin, whether or not the care is given for compensation, and whether or not the service is known as a family day care home, child care center, day nursery, day care agency, child development center, nursery school, kindergarten, play school, progressive school, or by any other name. The term child-caring agency does not include a bona fide summer camp, a hospital, a public school, a private school approved by the state board of education or a private home or other facility in which a child is left by his parent or guardian for temporary care for a period not exceeding thirty days in any calendar year. Such child-caring agencies shall keep a register of the name and address of each child, the name and address of his parent or guardian and the dates of his arrival and departure. Such register shall be available at any time for the inspection of the director of welfare or his authorized representative.

74:2 Health Certificate for Persons Working with Children. Amend RSA 170 by inserting after section 18 the following new sections:

170:19 [New] Health Certificates for Child-Care Agency Personnel. In order for a license to be granted under the provisions of RSA 170:3, annually the child-caring or child-care agency shall present to the division of welfare, department of health and welfare, a certificate of good health from a duly licensed physician for each person or employee who comes in contact with children either directly or indirectly in a significant manner or for a significant time each day in the agency of that person, firm, corporation or association. Any person or employee having said contact with the children, but who came to the agency subsequent to the presentation of health certificates to the division of welfare shall be required to present said certificate to the division of welfare before assuming any contact with the children in said agency. The director of the division of welfare, department of health and welfare, shall have the power to refuse to issue a license under the provisions of RSA 170:4 and the power to revoke a license under the provisions of RSA 170:5 for noncompliance with the provisions of this section.

170:20 [New] Certificates of Good Health. The certificate required by the provisions of RSA 170:19 shall be a form approved by the welfare division, department of health and welfare, and shall contain a statement signed by a duly licensed physician that he has found the individual to be free of communicable disease, and physical and mental impairment. In order to make this determination the physician shall, as a minimum, administer and interpret a tuberculin skin test or have a chest film made unless a test with negative results has been administered or a chest film made within ninety days of said certification. The results of any such tests shall be noted on said certificate.

74:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 75.

AN ACT CONVEYING A CERTAIN PORTION OF LAND WHICH WAS FORMERLY PART OF SILVER LAKE IN THE TOWN OF MADISON TO J. DONALD HAYES AND DOROTHY V. HAYES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

75:1 Land to be Conveyed. The governor and council, for a consideration established by the department of public works and highways, are hereby authorized to convey by deed, in the form and content as prepared and approved by the attorney general, to John Donald Hayes and Dorothy Violet Hayes, both of Madison, county of Carroll and state of New Hampshire, as joint tenants with rights of survivorship; all of the state of New Hampshire's right, title and interest in and to that parcel of land situate in the town of Madison, county of Carroll and state of New Hampshire bounded and described as follows: beginning at a point being the most southerly corner of the lands conveyed to the said John Donald Hayes and Dorothy Violet Hayes by warranty deed of Gladys M. Prescott dated April 19, 1954 and recorded in volume 335 page 505 of the Carroll County Registry and marked by an iron pipe; thence northeasterly along the easterly line of said lands of John Donald Hayes and Dorothy Violet Hayes, three hundred feet more or less, to the northeasterly corner of said lands; thence southeasterly, at right angles, to the high water mark on the westerly shore of Silver Lake in said town of Madison; thence southwesterly along the line of said high water mark three hundred feet more or less; thence northwesterly to the point of beginning.

75:2 Effective Date. This act shall take effect on its passage.

[Approved April 27, 1971.]

[Effective date April 27, 1971.]

CHAPTER 76.

AN ACT TO PROVIDE FOR RECORDING OF SHORT FORM LEASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

76:1 Modification. Amend RSA 477:3, as amended by 1965, 125:1 by inserting at the end of said section the following: (except that the recording of a notice of lease as provided for in RSA 477:7-a shall be sufficient compliance with this section.) so that said section, as amended, reads as follows:

477:3 Execution; Record. Every deed or other conveyance of real estate shall be signed and sealed by the party granting the same, attested

by one or more witnesses, acknowledged by the grantor before a justice, notary public or commissioner, showing the mailing address of the grantee, and shall be recorded at length in the registry of deeds in the county in which the land lies, except that the recording of a notice of lease as provided for in RSA 477:7-a, shall be sufficient compliance with this section.

76:2 Notice of Lease. Amend RSA 477 by inserting after section 7 the following new section:

477:7-a [New] Notice of Lease. Notwithstanding the provisions of RSA 477:7 a notice of lease consisting of an instrument in writing executed, witnessed, acknowledged and sealed by all persons who are parties to the lease, and containing the following information with reference to such lease shall be sufficient compliance with the provisions of this chapter:

- (1) The names and addresses of each party to the lease;
- (2) The date of execution of the lease;
- (3) A description of the demised premises as it appears in the lease;
- (4) The term of such lease; and
- (5) The date of commencement of such term and all rights of extension or renewal.

76:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 77.

AN ACT RELATING TO THE TOWN OF GORHAM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

77:1 New Section. Amend chapter 188, Laws of 1905, as amended by chapter 338, Laws of 1917, and amended by chapter 298, Laws of 1919, by inserting after section 6 the following new section:

Sect. 6-a. Notwithstanding the borrowing limitations set forth in the preceding section, the said town shall have all the authority to incur debt for water and sewer purposes which is granted to municipalities under RSA 33.

77:2 Effective Date. This act shall take effect on its passage.

[Approved April 27, 1971.]

[Effective date April 27, 1971.]

CHAPTER 78.

AN ACT PROVIDING THAT WHEN HIGHWAY WORK REQUIRES RELOCATING MUNICIPALLY OWNED UNDERGROUND UTILITY FACILITIES THE GOVERNMENTAL AGENCY DOING THE WORK SHALL PAY FOR THE TRENCHING AND BACKFILLING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

78:1 Relocation of Underground Utilities. Amend RSA 229 by inserting after section 6 the following new section:

229:6-a [New] Cost of Trenching for Relocation of Underground Utilities. When the commissioner shall determine that a highway reconstruction, relocation, or maintenance project financed in whole or in part by state funds and conducted under department of public works and highways supervision or control necessitates the relocation of any municipally-owned subterranean utilities facilities, any trenching and backfilling required for such relocation shall be part of the cost of such reconstruction, relocation, or maintenance and shall be provided by the governmental agency which is carrying out such highway work at no cost to the municipally-owned utility, and the governmental agency shall pay the municipality for the book value (original cost less allowable depreciation) at the time the municipally-owned subterranean facility is retired. Provided, however, that if a public utility other than a municipally-owned utility makes use of a relocation trench provided for in this section, said utility shall pay the governmental agency carrying out such work its proportionate share of the cost of such trenching and backfilling.

78:2 Application of Statute. If any relocation which comes under the provisions of RSA 229:6-a has been started but not completed on the effective date of said section the governmental agency shall provide the full cost of the trenching and backfilling at no cost to the municipally-owned utility and shall pay for the book value of the facility as provided by said section. If the trenching and backfilling portion of any such project has been completed on the effective date of RSA 229:6-a said section shall not apply.

78:3 Effective Date. This act shall take effect upon its passage.

[Approved April 27, 1971.]

[Effective date April 27, 1971.]

CHAPTER 79.

AN ACT RELATIVE TO PETITIONING FOR ARTICLES TO BE PLACED IN A TOWN OR SCHOOL WARRANT AND PROVIDING A PENALTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

79:1 Right to Petition Articles for Town Meeting Not to be Abrogated. Amend RSA 39:3 (supp) as amended by 1969, 59:1 by inserting at the end thereof the following (The right to have an article inserted in the

warrant conferred by this section shall not be invalidated by the provisions of RSA 32) so that said section as amended shall read as follows:

39:3 Articles. Upon the written application of ten or more voters or one sixth of the voters in town, presented to the selectmen or one of them at least thirty-five days before the day prescribed for an annual or biennial meeting, the selectmen shall insert in their warrant for such meeting any subject specified in such application. Upon the written application of fifty or more voters or one fourth of the voters in town, so presented not less than sixty days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The word "voters" in this section shall mean persons listed as such in the last previous revision of the check-list. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

79:2 Right to Petition Articles for School Meeting Not to be Abrogated. Amend RSA 197: 6 (supp) as amended by 1965, 36: 1 by striking out said section and inserting in place thereof the following:

197: 6 Warrant and Articles. Upon the written application of ten or more voters or one-sixth of the voters of the school district, presented to the school board or one of them not later than thirty days before the date prescribed for the school district meeting, the school board shall insert in the school district warrant for such meeting any subject-matter specified in such application. No article may be inserted after posting of said warrant. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

79:3 Penalty for Refusal to Insert Article in School Warrant. Amend RSA 197 by inserting after section 6 the following new section:

197: 6-a [New] Penalty. If the school board shall refuse to insert an article in the warrant, after being petitioned to do so in accordance with the provisions of RSA 197: 6, such refusal shall be deemed to be a wilful neglect of duty, and subject the board to the penalty provided in RSA 587: 31.

79: 4 Penalty for Refusal to Insert Article in Town Warrant. Amend RSA 39 by inserting after section 3-a the following new section:

39: 3-b [New] Penalty. If the board of selectmen shall refuse to insert an article in the warrant, after being petitioned to do so in accordance with the provisions of RSA 39: 3, such refusal shall be deemed to be a wilful neglect of duty, and subject the board to the penalty provided in RSA 587: 31.

79: 5 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 27, 1971.]

[Effective date June 26, 1971.]

CHAPTER 80.

AN ACT RELATIVE TO FINANCIAL REPORTS OF HOUSING AUTHORITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

80:1 Financial Report. Amend RSA 203:27 by striking out said section and inserting in place thereof the following new section:

203:27 Reports. At least thirty days prior to the annual public hearing on the municipality's budget, an authority shall file with the clerk a financial report for the authority's last fiscal year, provided that such fiscal year shall end at least ninety days prior to the public hearing. Such report shall contain an estimate of the payment to be made by the municipality for the ensuing year.

80:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 81.

AN ACT RELATIVE TO THE CONTROL OF JUNKYARDS ON THE INTERSTATE, FEDERAL-AID PRIMARY, AND TURNPIKE HIGHWAY SYSTEMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

81:1 Junkyards Adjacent to Certain Highways. Amend RSA 249-B:1 (supp) as inserted by 1967, 252:1 by striking out in lines three and four the words "system and the federal aid primary" and inserting in place thereof the words (federal aid primary and turnpike) so that said section as amended shall read as follows:

249-B:1 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for effective control of the establishment, use and maintenance of junkyards adjacent to the interstate, federal aid primary, and turnpike systems in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

81:2 Location of Junkyards, Control. Amend RSA 249-B:2, I (supp) as inserted by 1967, 252:1 by striking out said paragraph and inserting in place thereof the following:

I. "Effective Control" means that by January 1, 1968 all junkyards located within one thousand feet from the nearest edge of the right of way or visible from the main traveled way of the interstate, federal aid primary, and turnpike systems shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight.

81:3 Definitions. Amend RSA 249-B:2 by inserting after paragraph IV the following new paragraphs:

V. The words "interstate system" shall mean any highways which are a part of the national system of interstate and defense highways described in subsection (d) of section 103 of title 23, United States Code.

VI. The words "federal aid primary system" shall mean any highways which are a part of the federal aid primary system described in subsection (b) of title 23, United States Code.

VII. The words "turnpike system" shall mean all highways within this state which are a part of the Spaulding and the Central New Hampshire Turnpike established by RSA 256, 257 and 257-A, and which are not defined as interstate or federal aid primary system in paragraphs V and VI of this section.

VIII. The words "zoned industrial area" shall mean those areas zoned for industrial use pursuant to a municipal zoning ordinance, regulation or bylaw.

IX. The words "industrial activity" shall mean those activities generally recognized as heavy industrial by zoning authorities in the state. Except that none of the following shall be considered industrial activities:

- (a) Outdoor advertising structures;
- (b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;
- (c) Activities normally and regularly in operation less than three months of the year;
- (d) Transient or temporary activities;
- (e) Activities not visible from the traffic lanes of the main traveled way;
- (f) Activities more than 300 feet from the nearest edge of the main traveled way;
- (g) Activities conducted in a building principally used as a residence;
- (h) Railroad tracks, minor sidings, and passenger depots;
- (i) Junkyards, as defined in section 136, title 23, United States Code.

X. The words "unzoned industrial area" shall mean the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within five hundred feet thereof which is—

- (a) Located on the same side of the highway as the principal part of said activity, and
- (b) Not used for residential or commercial purposes, and
- (c) Not zoned by state or local law, regulation or ordinance.

81:4 Hearings; Findings; Notice. Amend RSA 249-B:8 (supp) as inserted by 1967, 252:1 by striking out said section and inserting in place thereof the following:

249-B:8 Grant or Denial of Application; Appeal. After the hearing the commissioner of public works and highways shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of his finding to the applicant by mail, postage prepaid, to the address given on the application. If approved by the commissioner of public works and highways, the license including the certificate of approved location shall be forthwith issued to remain in effect until the following April first. License approval is personal to the applicant for a

specific location and it is not assignable or transferable. Licenses shall be renewed annually thereafter on April first, upon payment of the annual license fee without a hearing if all provisions of this chapter are complied with during the license period, and if the applicant is not convicted of any type of larceny or of receiving stolen goods. A writ of certiorari lies from the denial of the application to the superior court of the county in which the proposed location is situated.

81:5 Lands Adjacent to Certain Highways. Amend RSA 249-B:13 (supp) as inserted by 1967, 252:1 by striking out in line three the words "and primary system" and inserting in place thereof the words (federal-aid primary and turnpike systems) so that said section as amended shall read as follows:

249-B:13 Public Land. All public lands or reservations of the United States, state, city, town or other political subdivision which are adjacent to any portion of the interstate, federal-aid primary, and turnpike systems shall be effectively controlled in accordance with the provisions of this chapter.

81:6 Industrial Operations Permitted in Certain Areas. Amend RSA 249-B:14 (supp) as inserted by 1967, 252:1 by striking out said section and inserting in place thereof the following:

249-B:14 Industrial Areas. Notwithstanding any provision of this chapter, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the interstate system, the federal-aid primary system, and the turnpike system which are within one thousand feet of the nearest edge of the right of way and which are within a zoned industrial area, or which are within an unzoned industrial area but are used for industrial activities.

81:7 Inspection of Junkyards. Amend RSA 249-B by inserting after section 19 the following new section:

249-B:20 [New] Right to Enter. The commissioner of public works and highways or his representative at his discretion may enter a junkyard for inspection without incurring any liability to the property owner and/or junkyard owner.

81:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 82.

AN ACT RELATIVE TO DONATION OF BLOOD BY MINORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

82:1 Capacity to Consent. Amend RSA 571 by inserting after section 24 the following new section:

571:24-a [New] Minor Blood Donors. Any minor of sound mind who has attained the age of eighteen years or any married minor regardless of age may donate blood in any voluntary and noncompensatory blood program without the necessity of obtaining the consent of any parent, guardian, or any other person having the care and custody of such minor.

82:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 83.

AN ACT RELATIVE TO THE CONSTRUCTION OF AREA SCHOOLS AND ADDITIONS THERETO.

Be it Enacted by the Senate and House of Representatives in General Court convened:

83:1 Debt Limit of Receiving Area Schools. Amend RSA 195-A:7 (supp) as inserted by 1963, 277:1 and amended by 1965, 112:5 and 1969, 347:1 by striking out in line two the words "building, including" and inserting in place thereof the following: (including the purchase of school buildings, the): and by inserting in line twelve after the words "to be" the word (purchased); and by inserting in line fourteen after the word "board" the words (Also in determining the debt limit of the receiving district, this same proportion of its estimated enrollment in the area school shall apply to any indebtedness outstanding of the receiving district that existed at the date of the operating responsibility of the authorized regional enrollment area, when such indebtedness applies to facilities which are included in the area school plan) so that said section as amended shall read as follows:

195-A:7 Construction of Area Schools. The construction of an area school including the purchase of school buildings, the construction of additions or alterations to existing buildings, the required new construction of such facilities during the life of the plan, the equipment thereof, and necessary land acquisition therefor, shall be the responsibility of the receiving district but it must, at all times, provide facilities of sufficient capacity to meet the estimated educational needs of the receiving and sending districts together. A receiving district may borrow money for such purposes as provided in RSA 33 as amended. However, in calculating whether it is within its debt limit, there shall be charged thereto an amount no greater than its proportionate share of any such required capital outlay, which shall be the proportion which its then estimated enrollment in the area school to be purchased, constructed or enlarged, bears to the then estimated total enrollment therein as determined by order of the state board. Also in determining the debt limit of the receiving district this same proportion of its estimated enrollment in the area school shall apply to any indebtedness outstanding of the receiving district that existed at the time of the

date of operating responsibility of the authorized regional enrollment area, when such indebtedness was incurred for facilities which are included in the area school plan. The total amount of such bond or serial note issue shall be general obligations of the receiving district, fully secured by its powers of taxation. Upon application of the school board of the receiving district, that amount of such bond or serial note issue, which is in excess of the proportionate share of the receiving district as determined by the state board, shall be eligible for state guarantee, either on a declining balance basis or as a separate issue fully guaranteed, as the governor and council may decide, in accordance with RSA 195-C. The school board of the receiving district, without vote of the district, shall apply all tuition payments received from sending districts in each year first to the payment of the currently scheduled, or any past due, annual installments of principal or interest on that amount of such bond or serial note issue which is guaranteed by the state; and only after adequate provision has been made therefor may any portion of such revenue be used for other purposes.

83:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 84.

AN ACT RELATIVE TO FISH AND GAME LICENSES ISSUED BY THE FISH AND GAME DEPARTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

84:1 Fee for License Sold at Department Headquarters or Subagency. Amend RSA 214:15 (supp) as amended by 1959, 254:3; 1961, 32:3 and 1969, 63:1 by adding at the end thereof the following (All licenses sold at the department headquarters or any subagency thereof shall charge the same fee as outlined herein. Such fee shall be credited to the fish and game fund) so that said section as amended shall read as follows:

214:15 Agent's Accounting. The agent shall collect from the licensee a fee of fifty cents for each license issued and shall account to the director for the full face value of the licenses. He shall on the first day of each month, pay to the director the full face value of all licenses sold and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director. All licenses sold at the department headquarters or any subagency thereof shall charge the same fee as outlined herein. Such fee shall be credited to the fish and game fund.

84:2 Effective Date. This act shall take effect January 1, 1972.

[Approved May 1, 1971.]

[Effective date January 1, 1972.]

CHAPTER 85.

AN ACT RELATIVE TO TAKING WILD BLACK BEAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

85:1 Dates Dogs May be Used, Bag Limit. Amend RSA 208:22 (supp) as amended by 1961, 126:1; 1963, 311:1; 1965, 143:2 and 1967, 46:1 by striking out in line seven the words "November 14 inclusive" and inserting in place thereof the words (the day before the opening of the regular deer season) and by inserting in line twenty-three after the word "director" the words (no person shall take more than one bear in any one season) so that said section as amended shall read as follows:

208:22 Wild Black Bear. Wild black bear, outside of game preserves, may be taken and possessed from one-half hour before sunrise to one-half hour after sunset in all counties of the state from September 1 to the last day of the current deer season inclusive, provided that no bear shall be taken at any time on any island or in any waters or lakes or ponds. Wild black bear may be taken by the aid and use of dogs from September 1 to the day before the opening of the regular deer season with written permission of the director or his agents. Wild black bear may be taken by the aid and use of dogs, firearms and by bow and arrow of at least forty pound pull provided that no person shall take bear by the aid or use of a jack or artificial light, trap, snare, swivel, pivot or set gun or calibre .22 rimfire firearm unless otherwise herein provided. Any person who kills a wild bear as provided by this section shall report as outlined in section 23 of this chapter. Landowners, or their agents, shall be permitted to set traps for bear doing actual or substantial damage to property. Such trapping shall only be permitted after the director or his agent has been notified of damage and has investigated such complaint. The director or his agents may then issue a special permit for the use of traps. Said permit shall state the location of traps and the dates when trapping shall be allowed. Any traps set as hereinbefore described shall be arranged and set in accordance with RSA 210:15. The carcass of a bear legally taken and reported may be bought and sold. Live bear may not be offered for sale at any time unless by a person permitted so to do by the director. No person shall take more than one bear in any one season. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

85:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 86.

AN ACT RELATIVE TO TAKING DEER WITH SINGLE SHOT MUZZLE-LOADING FIREARMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

86:1 Nature of Muzzle-Loaders Defined. Amend RSA 208:5-a (supp) as inserted by 1963, 315:1 and amended by 1965, 93:1 and 1969, 96:1 by striking out in line five the words "muzzle-loading firearm, rifle or musket" and inserting in place thereof the words (single shot muzzle-loading firearm) and by adding at the end of said section the following new sentence: (No other type of firearm can be used for the taking of deer during this period) so that said section as amended shall read as follows:

208:5-a Muzzle-Loaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA chapter 214, as amended, upon payment of a fee of three dollars by residents or a fee of four dollars by non-residents shall be issued a special license. Said special license shall entitle the holder to hunt deer with a single shot muzzle-loading firearm, of not less than .40 caliber, for a period of ten days immediately prior to the opening date for the taking of deer as provided for by section 2 of this chapter, as now or hereafter amended. No other type of firearm can be used for the taking of deer during this period.

86:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 1, 1971.]

[Effective date June 30, 1971.]

CHAPTER 87.

AN ACT PROVIDING THAT MINORS WHO HAVE COMPLETED A HUNTER SAFETY INSTRUCTION COURSE IN ANOTHER STATE BE RECOGNIZED AS COMPETENT TO HANDLE FIREARMS IN THIS STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

87:1 Hunter Safety Instruction in Other State. Amend RSA 214:23-a as inserted by 1961, 177:1 by inserting at the end thereof the following words (or (4) satisfactory proof that he has successfully completed a hunter safety instruction course in another state equivalent to the course provided for by this chapter) so that said section as amended shall read as follows:

214:23-a Certificate of Competency Required for Certain Minors. On and after January 1, 1963 no hunting license shall be issued to any resident or non-resident person between the ages of sixteen and nineteen unless he presents to the person authorized to issue such license either: (1) evidence that he held a hunting license issued under the provisions of this chapter effective for the year prior to application, or (2) a certificate of competency as provided under this subdivision, or (3) satisfactory

proof that he is or has been a member of any branch of the armed forces of the United States including any women's auxiliary unit, or (4) satisfactory proof that he has successfully completed a hunter safety instruction course in another state equivalent to the course provided for by this chapter.

87:2 Effective Date. This act shall take effect on July 1, 1971.

[Approved May 1, 1971.]

[Effective date July 1, 1971.]

CHAPTER 88.

AN ACT RELATIVE TO FILING OF ANNUAL RETURNS BY CORPORATIONS, RESERVATION OF A NAME BY A FOREIGN CORPORATION, AND MONTHLY RETURNS OF QUANTITY OF ALCOHOLIC BEVERAGES SOLD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

88:1 Business Corporations. Amend RSA 294:106, as amended by 1957, 180:1 by striking out said section and inserting in place thereof the following:

294:106 Contents of Returns. The returns shall be signed under the penalties of perjury by the president or a vice-president and by the treasurer or assistant treasurer of a corporation and shall state the address of its principal office in this state and elsewhere in the case of a corporation organized to do business wholly outside the state, the names and addresses of all the directors and officers of the corporation, the amount of its authorized capital stock, the amount, number of shares and the par value thereof, if any, of its stock issued and outstanding, its total amount of assets and total amount of liabilities, exclusive of capital stock, and its surplus or deficit, if any, as appearing on its books or so far as the same can be otherwise ascertained, as existing on the first day of the preceding January, or as existing on the last day of its fiscal year preceding said first day of January.

88:2 Removal of Oath Provisions. Amend RSA 294:112 by striking out said section and inserting in place thereof the following:

294:112 False Statements. Any person who shall subscribe to any such return containing any false statements, knowing the same to be false, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

88:3 Penalty of Perjury. Amend RSA 181:24 by striking out in line 3 the word "oath" and inserting in place thereof the following (penalty of perjury) so that said section as amended shall read as follows:

181:24 Reports. Each manufacturer and wholesaler of beverages within the state shall, on or before the tenth day of each month, furnish to the commission, on a form prescribed, a statement under penalty of perjury showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale permit, during the preceding calendar month, within the state.

88:4 Request for Reservation of Name by Foreign Corporation. Amend RSA 300 by inserting after section 4 the following new section:

300:4-a [New] Fee for Name. Any person who chooses a name for a foreign corporation which is available for use may in writing request the secretary of state to hold such name for him until he has had an opportunity to prepare the record of organization. Upon such request, and upon payment of a fee of five dollars, the secretary of state shall hold such name for use by the person requesting the same for a period of not exceeding sixty days. During such sixty-day period no other person shall be permitted to register such name either as a trade or corporate name. The fee for such service by the secretary of state shall be in addition to any other fees which may be required when the corporation papers are filed.

88:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1971.]

[Effective date July 3, 1971.]

CHAPTER 89.

AN ACT RELATIVE TO INJURY TO DOMESTIC DUCKS OR FOWL BY HUNTERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

89:1 Ducks and Fowl Included. Amend RSA 207:39-a (supp) as inserted by 1965, 179:1 by striking out said section and inserting in place thereof the following:

207:39-a [New] Shooting Domestic Animals. Any person, while actually engaged in hunting or the pursuit of wild animals or wild birds, causing death, injury or damage to domestic animals, ducks or fowl shall be liable to the owner therefor. Any person, while actually engaged in hunting or in pursuit of wild animals or wild birds who shall cause death, injury or damage to such domestic animals, ducks or fowl through the discharge of a firearm or bow and arrow shall have his license to hunt revoked and he may not be granted a license to hunt for a period not to exceed five years. The provisions of this section shall not apply to a hunter killing or injuring his own or a borrowed animal or one used by another member of the same hunting party, other than being liable to the owner therefor, nor shall they apply to a hunter killing or injuring a domestic animal "gone wild". The director of the fish and game department shall be empowered to make such revocation and suspension of the privilege of obtaining a license and determine the term of such suspension when, in his opinion, reasonable evidence of a violation of the provisions of this statute exist.

89:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 4, 1971.]

[Effective date July 3, 1971.]

CHAPTER 90.

AN ACT PROHIBITING THE HUNTING OR TAKING OF WHITE DEER,
AND DEFINING THE SAME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

90:1 Protection of White Deer. Amend RSA 208:2 (supp) as amended by 1955, 264:1; 1961, 254:1; 1963, 298:1 and 1965, 304:1 by inserting in line five after the word "ponds" the words (; and white deer shall not be hunted or taken at any time) so that said section as amended shall read as follows:

208:2 Taking; Time. Wild deer, outside game preserves, may be hunted and taken from one half hour before sunrise to one half hour after sunset from November 10 to the first Sunday in December, inclusive, provided that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds; and white deer shall not be hunted or taken at any time.

90:2 White Deer Defined. Amend RSA 207:1 as amended by 1955, 277:5; 1959, 24:1; 72:1; 1961, 188:1 and 1965, 145:1 by inserting at the end thereof the following new paragraph:

White Deer: All deer which are primarily and predominantly white in color.

90:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 91.

AN ACT PROVIDING FOR AN OPEN SEASON ON FISHER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

91:1 Fisher. Amend RSA 210:3-a (supp) as inserted by 1965, 271:1 and amended by 1967, 441:1 and 1969, 230:1 by striking out said section and inserting in place thereof the following:

210:3-a Open Season. Fisher may be taken and possessed in all counties in the state from December first to March first.

91:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 92.

AN ACT TO PROVIDE LIFE INSURANCE FOR NATIONAL GUARDSMEN
WHILE ON ACTIVE STATE DUTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

92:1 Life Insurance. Amend RSA 110-A:8 as amended by 1957, 147:1 by inserting after paragraph II the following new paragraph:

III. The adjutant general is authorized and empowered, subject to the approval of the governor and council, to contract with any person or private or public agency to provide group life insurance coverage for members of the national guard, while on active state duty, within the limits of appropriations made for other personnel services, national guard.

92:2 Effective Date. This act shall take effect upon its passage.

[Approved May 5, 1971.]

[Effective date May 5, 1971.]

CHAPTER 93.

AN ACT AUTHORIZING TOWN BY-LAWS ON SNOW REMOVAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

93:1 By-laws on Snow Removal. Amend RSA 31:39 (supp) as amended by 1969, 68:1, by inserting in line thirteen following the word "garbage" the word (snow) so that said section as amended shall read as follows:

31:39 Purposes and Penalties. Towns may make by-laws, for the care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town; for the prevention of the going at large of horses and other domestic animals in any public place in the town; for the observance of Memorial Day, whereby interference with and disturbance of the exercises for such observance, by processions, sports, games or other holiday exercises, may be prohibited; to regulate the use of mufflers upon boats and vessels propelled by gasoline or naphtha and operating upon the waters within the town limits; respecting the kindling, guarding, and safekeeping of fires, and for removing all combustible materials from any building or place, as the safety of property in the town may require; respecting the collection, removal and destruction of garbage, snow and other waste materials; to regulate the operation of vehicles, except by railways as common carriers, upon their streets, to regulate the conduct of public dances; to regulate the conduct of roller skating rinks; and for making and ordering their prudential affairs. They may appoint all such officers as may be necessary to carry the by-laws into effect, and may enforce their observance by suitable penalties not exceeding the fifty dollars for each offense, to enure to such uses as they may direct.

93:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 94.

JOINT RESOLUTION IN FAVOR OF WILLIAM J. WILSON OF CANTERBURY.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of three thousand six hundred and sixty dollars and sixteen cents is hereby appropriated to reimburse William J. Wilson of Canterbury, in full and final settlement, for losses sustained due to an erroneous calibration of a bulk milk tank, made by authorized agents of the state of New Hampshire. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved May 5, 1971.]

CHAPTER 95.

JOINT RESOLUTION TO REIMBURSE REGINALD PELKEY FOR DAMAGE DONE TO HIS AUTOMOBILE AND MAKING AN APPROPRIATION THEREFOR.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two hundred fifty-four dollars is hereby appropriated to reimburse Reginald Pelkey of Fitzwilliam for damages he sustained as a result of a tree, which was being removed by the department of public works and highways, coming in contact with his automobile and resulting in damage thereto. This sum is in full and final settlement of this claim. The governor is authorized to draw his warrant for said sum which shall be a charge against the highway fund.

[Approved May 5, 1971.]

CHAPTER 96.

AN ACT RELATIVE TO TRAFFIC SURVEYS AND TRUCK WEIGHT SURVEYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

96:1 Power of Commissioner of Public Works and Highways. Amend RSA 229 by inserting after section 6-a the following new section:

229:6-b [New] Traffic and Weight Surveys. The commissioner may conduct traffic survey interviews, truck weight surveys and such other statistical studies as he deems necessary on class I, II and III highways for the department's use in the planning and development of the state-wide highway system.

96:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 97.

AN ACT REQUIRING INSURANCE COMPANIES TO PAY THE COST OF
PHYSICAL EXAMINATIONS WHERE THE INSURER REQUIRES
THEM BEFORE EXTENDING LIABILITY COVERAGE.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

97:1 Insurer Pays Cost of Physical Exam. Amend RSA 412 by inserting after section 2-a the following new section:

412:2-b [New] Physical Examinations. When an insurer requires any person to submit to a physical examination as prerequisite to issuance or delivery of any motor vehicle liability policy, the insurer shall assume and pay the cost of the physical examination.

97:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 98.

AN ACT PROVIDING FOR INVESTIGATION OF A LAKE MANAGEMENT
STRUCTURE ON SILVER LAKE.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

98:1 New Chapter. Amend RSA by inserting after chapter 482-E the following new chapter:

CHAPTER 482-F [NEW]

INVESTIGATION AND CONSTRUCTION OF A LAKE MANAGEMENT
STRUCTURE AT SILVER LAKE

482-F:1 Investigation and Construction. The water resources board is authorized to investigate conditions affecting the use and enjoyment of Silver Lake and when funds are available therefor to construct an outlet control structure and make channel improvements.

482-F:2 Agency to Receive Funds. The water resources board is authorized to apply for and receive, in the name of the state, any funds which are or may become available for the purposes of this chapter from the federal government or any other source. The board is authorized to acquire by gift any lands, water rights, easements or other property rights from the owners of lake frontage on Silver Lake and/or any funds which may be offered to make the project possible.

482-F:3 Tax Exemption. Any property acquired by the state under the provisions of this chapter shall be exempt from taxation.

98:2 Effective Date. This act shall take effect on July 1, 1971.

[Approved May 5, 1971.]

[Effective date July 1, 1971.]

CHAPTER 99.**AN ACT CLARIFYING THE POWERS OF ASSISTANT MODERATORS TO ADMINISTER OATHS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

99:1 Additional Oaths. Amend RSA 59:48 (supp) as amended by 1969, 60:1 by inserting in line five after the word "official" the words (and all other oaths the moderator may administer) so that said section as amended shall read as follows:

59:48 Officers. The moderator shall appoint an assistant moderator and the town clerk shall appoint an assistant clerk, who shall be residents of the voting district, for each additional polling place and said assistant moderator shall have the power to administer the oath of office to all election officials and all other oaths the moderator may administer at the additional polling place. The selectmen shall appoint for each additional polling place four inspectors of election, who shall be residents of the voting district, and who shall be qualified in the same manner as such officers are for the central polling place. The duties of such officers shall be the same as the duties of like officers at the central polling place except as herein otherwise provided. The officers so appointed shall be sworn in by the assistant moderator before entering upon their duties.

99:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 100.**AN ACT PROHIBITING THE RENAMING OF CERTAIN NATURAL AND MAN-MADE FORMATIONS IN THE STATE.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

100:1 Miscellaneous Provisions. Amend RSA 4 by inserting after section 42 the following new subdivision:

Miscellaneous Provisions [New]

4:43 Naming of Certain Formations. No state park, bridge, mountain, road, river, or body of water under the control of the state, shall be renamed without legislative approval.

100:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 101.

AN ACT INCREASING THE DEBT LIMIT FOR SCHOOL CONSTRUCTION IN
THE TOWN OF BEDFORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

101:1 Bedford School District Limit Increased. Notwithstanding the provisions of RSA 33:4-a (supp) to the contrary, the school district encompassing the town of Bedford shall not incur net indebtedness to an amount at any one time outstanding exceeding nine percent of its valuation as determined according to law.

101:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 102.AN ACT RELATIVE TO THE NEW HAMPSHIRE ANNUAL CONFERENCE OF
THE METHODIST CHURCH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

102:1 Change of Name. Amend chapter 9 of the Laws of 1831, as amended by chapter 455 of the Laws of 1846, as amended by chapter 4178 of the Laws of 1865, as amended by chapter 155 of the Laws of 1885, as amended by chapter 285 of the Laws of 1941, by striking out the words "Trustees of the New Hampshire Annual Conference of the Methodist Church;" and inserting in place thereof the following: (Trustees of the New Hampshire Annual Conference of the United Methodist Church).

102:2 Effective Date. This act shall take effect upon its passage.

[Approved May 5, 1971.]

[Effective date May 5, 1971.]

CHAPTER 103.AN ACT RELATIVE TO THE ASSOCIATE DEGREE PROGRAMS OF
KEENE AND PLYMOUTH STATE COLLEGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

103:1 The State Colleges. Amend RSA 187:4-b as inserted by 1963, 303:1 by striking out said section and inserting in place thereof the following:

187:4-b Purposes. Each said state college shall become a multipurpose college by expanding the current programs to provide instruction in

the liberal arts and sciences and in selected applied fields to better serve the needs in its respective area of location. Each state college shall continue to provide special instruction in teacher training. Procedures for integrating the various functions of these colleges into the university system shall be developed by the board of trustees as the need for integration and coordination arises. Each college shall be subject to all statutory regulations governing said university of New Hampshire. Keene state college and Plymouth state college are hereby empowered to offer two-year programs and to award the degree of associate in arts or associate in science to those who successfully complete such programs.

103:2 Effective Date. This act shall take effect upon its passage.

[Approved May 5, 1971.]

[Effective date May 5, 1971.]

CHAPTER 104.

AN ACT TO REPEAL CERTAIN STATUTES RELATIVE TO THE WIDTH OF RIMS OF WAGON WHEELS AND TO CHAINING WHEELS ON HILLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

104:1 Repeal. RSA 250:22 through 25 inclusive, relative to the width of rims of wagon wheels and to chaining wheels on hills, are hereby repealed.

104:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 105.

JOINT RESOLUTION RELATIVE TO RETIREMENT CREDIT FOR
HERBERT R. HAGSTROM.

WHEREAS, Herbert R. Hagstrom had been a member of the teachers' retirement system for twenty-three years prior to July 1, 1954 when he became an employee of the department of education, and

WHEREAS, at that time he failed to exercise his option to make a payment to the state employees' retirement system in accordance with the provisions of RSA 100:21-27, which payment would have entitled him to receive full credit for his prior service under the teachers' retirement system, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT notwithstanding any provisions of RSA 100, 100-A, and 192, the widow of Herbert R. Hagstrom shall be entitled to receive benefits resulting from his membership in the New Hampshire retirement system cal-

culated to allow credit for all his service as a teacher prior to July 1, 1954 upon payment of four thousand three hundred sixty-five dollars by his widow and payment of fifty-six hundred dollars by the Portsmouth school district to the New Hampshire retirement system; provided however that the Portsmouth school board, prior to making its decision on whether or not to make said payment into the retirement system, shall hold a public hearing.

[Approved May 5, 1971.]

CHAPTER 106.

AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE EXPENSES OF THE DEPARTMENT OF HEALTH AND WELFARE, INDUSTRIAL SCHOOL, AND THE STATE PRISON FOR THE FISCAL YEAR ENDING JUNE 30, 1971.

Be it Enacted by the Senate and House of Representatives in General Court convened:

106:1 Appropriations. The sums hereinafter detailed in section 2 of this act are hereby appropriated to be paid out of the treasury of the state for the purpose specified for the departments named, by section 2 of the act for the fiscal year ending June 30, 1971. Said appropriations are in addition to any other appropriations made for said fiscal year for any of said departments.

106:2 Detailed Appropriation.

Department of health and welfare:

Division of Welfare:

Old age assistance:

State's share		\$ 49,955
Towns and counties	\$ 78 943	
Less estimated revenue	78,943	

Net appropriation		0
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Federal	\$186,875	
Less estimated revenue	186,875	

Net appropriation		0
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Old age assistance—aliens:

Towns and counties*	\$ 9,714	
Less estimated revenue	9,714	

Net appropriation		0
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Federal	\$14,082	
Less estimated revenue	14,082	

Net appropriation		0
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* For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-

federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Aid to permanently and totally disabled:

State's share		\$ 5,904
Towns and counties*	\$ 35,505	
Less estimated revenue	35,505	

Net appropriation		0
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Federal	\$ 60,033
Less estimated revenue	60,033

Net appropriation	0
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* For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provision hereof are hereby suspended until June 30, 1971.

Aid to families with dependent children:

State's share	
Grants	\$ 39,469
Income disregard	76,376

Net appropriation	\$115,845
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Federal	
Grants	\$ 57,221
Income disregard	110,726

Total	\$167,947
Less estimated revenue	167,947

Net appropriation	0
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Medical care and services:

Categorically needy	\$216,449
Medically needy	31,488

Total	\$247,937
Less local share	14,242
Less federal share	146,729

Net appropriation	\$ 86,966
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Administration:

Operational costs (Title XIX)	75,683
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Total division of welfare	\$334,353
Less transfer re: administration from federal grants	37,841

Net appropriation for division of welfare	\$296,512
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Division of mental health:

Laconia state school:

Operation of plant:

Current expense \$ 12,662

New Hampshire hospital:

Operation of plant:

Current expense \$106,909

Total division of mental health \$119,571

Total department of health
and welfare

\$416,083

Industrial school:

Custodial care:

Personal services

Other \$ 7,000

Operation of plant:

Current expenses 10,000

Maintenance of plant:

Current expenses 2,000

Net appropriation \$ 19,000

State prison:

Custodial care:

Other personal services \$ 10,971

Current expenses* 26,000

Total custodial care \$ 36,971

Less estimated revenue 4,500

Net appropriation \$ 32,471

*In this appropriation \$4500 shall be for products used from the institution's farm and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$4500.

Total appropriation \$467,554

106: 3 Elimination of Welfare Footnote. Amend Laws of 1969, 368: 4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisk after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after the appropriation for aid to families with dependent children which reads as follows: "*This appropriation shall not be transferred or expended for any other purpose."

106: 4 Effective Date. This act shall take effect upon its passage.

[Approved May 5, 1971.]

[Effective date May 5, 1971.]

CHAPTER 107.

AN ACT REPEALING THE STATUTE PERMITTING TIME TRIALS OF MOTOR VEHICLES IN ROLLINS STATE PARK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

107:1 Permission of Time Trials Repealed. RSA 263:59-a (supp) permitting time trials in Rollins State Park is hereby repealed.

107:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 108.

AN ACT RELATIVE TO UNIFORMED POLICE OFFICERS IN ATTENDANCE AT PUBLIC DANCES, CARNIVALS AND CIRCUSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

108:1 Attendance by Uniformed Police Officers. Amend RSA 105:9 by striking out said section and inserting in place thereof the following:

105:9 Public Dances, Carnivals, Circuses. The mayor of any city and the selectmen of any town upon application of any person or persons desiring to conduct a public dance, carnival or circus, shall detail one or more police officers to attend the same, whose services shall be paid for by the applicant. No person or persons shall conduct such public dance, carnival or circus unless one or more police officers are in attendance. Whoever violates the provisions of this section shall be fined not less than twenty-five dollars nor more than one hundred fifty dollars.

108:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 109.

AN ACT PROVIDING THAT EXPERTS INVOLVED IN TESTS UNDER IMPLIED CONSENT STATUTE ARE NOT REQUIRED FOR COURT TESTIMONY UNLESS PRIOR NOTICE IS GIVEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

109:1 Official Record or Conclusive Evidence. Amend RSA 262-A by inserting after section 69-j the following new section:

262-A: 69-k [New] Official Record of Test. Any person, who is arraigned on a charge arising under RSA 262-A: 69-a, shall file notice in said court, within five days immediately following the receipt by said person of the results of any blood alcohol test administered to him, requiring the attendance of the person who took the sample for said test or of the person who conducted said test, or both. Failure to file notice shall be deemed a waiver to require their attendance at the trial, and the official report of said test issued pursuant to RSA 262-A: 69-a shall be deemed conclusive evidence of the conduct and results of said test.

109: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 5, 1971.]

[Effective date July 4, 1971.]

CHAPTER 110.

JOINT RESOLUTION MAKING A SUPPLEMENTARY APPROPRIATION FOR
THE LIQUOR COMMISSION FOR FISCAL YEAR 1970-71.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby appropriated to the liquor commission for fiscal 1970-71 in addition to any other funds appropriated therefor the sum of one hundred three thousand, four hundred seventy dollars allocated as follows: Forty-four thousand dollars for stores operation, current expenses; fifty-seven thousand, two hundred forty dollars for stores operation, other personal services; and two thousand, two hundred thirty dollars for warehouse, other personal services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 5, 1971.]

CHAPTER 111.

AN ACT ESTABLISHING AN INTERIM COMMISSION TO STUDY
FLOOD PLAINS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

111: 1 Commission Established. There is hereby established a commission to study the flood plains of the state which study shall include a survey to determine which lands of the state are most susceptible to submersion and, therefore, in need of protection. The commission shall be composed of three members of the house appointed by the speaker, three members of the senate appointed by the president, and three members of the general public appointed by the governor. It shall be the duty of the commission to make a study of the laws presently in effect relating to the protection and use of flood plains and to make

recommendations for changes in those laws to make them better serve the interests of the citizens of the state; and, if necessary, to propose new legislation designed to protect or regulate the use of such flood plains. The commission shall hold at least three public hearings where interested citizens shall be afforded an opportunity to be heard. Notice of the time, place and subject of any such hearing shall be advertised as the committee shall determine. The various departments, boards, commissions, institutions and agencies of the state shall cooperate with the commission in the performance of its duties. The commission shall make a report of its findings to the governor, the speaker of the house and the president of the senate within fourteen days after the convening of the 1973 session of the general court.

111:2 Effective Date. This act shall take effect July 1, 1971.
[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of Governor.]
[Effective date July 1, 1971.]

CHAPTER 112.

AN ACT RELATIVE TO BAIL COMMISSIONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

112:1 Fees Increased. Amend RSA 597:20 (supp) as amended by 1965, 195:1 and 1969, 215:1 by striking out said section and inserting in place thereof the following:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of four dollars when called between the hours of nine o'clock in the morning and five o'clock at night, Monday through Friday; and a fee of six dollars when called at any other time. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, the fee collected shall be remitted to the town or city in which the municipal or district court is situated.

112:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 12, 1971.]

[Effective date July 11, 1971.]

CHAPTER 113.

AN ACT RELATIVE TO THE HIGHWAY OPERATION OF FARM VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

113:1 Twenty Mile Radius. Amend RSA 262:1, V as amended by 1957, 235:1 by striking out in line nine the word "ten" and inserting in

place thereof the word (twenty) so that said paragraph as amended shall read as follows:

V. For each road oiler or bituminous distributor the fee shall be seventy-five dollars. For each tractor used for agricultural purposes only, each vehicle of the tractor type used for agricultural purposes only and used to draw another vehicle in such a way that a part of the load is carried on such towing vehicle, each tractor used for power purposes only that does not haul loads on the public highways except as hereinbefore provided for tractor type vehicles, two dollars. Each commercial vehicle or truck used for agricultural purposes only and used on the public highways within a radius of twenty miles from the main entrance of the farm upon which said vehicle is operated, or used to transport animals and agricultural products to agricultural fairs and exhibits for exhibition purposes only, two dollars, provided that such vehicle under such limited registration shall not be used for the purpose of transporting products for sale or for hire. For each farm truck or combination of motor truck type tractor and semi-trailer of a total weight, determined as provided in paragraph IV of this section, used only for the transportation of agricultural products produced on, and meant to be used in connection with the operation of, a farm or farms owned, operated or occupied by the registrant, the fee shall be twenty-five dollars, for the first sixteen thousand pounds, and at the same rates set forth in paragraph IV of this section for any additional weight above sixteen thousand pounds, and for each additional or extra semi-trailer used in connection with a motor truck type tractor registered for farm purposes twenty-five dollars, provided that a farm truck or combination truck-tractor and semi-trailer so registered shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used for the retail delivery of milk. In the event that a farm truck registered under the twenty-five dollar fee as hereinbefore provided is thereafter registered for general use during the same registration year such fee shall be applied toward the fee for such general registration.

113:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 12, 1971.]

[Effective date July 11, 1971.]

CHAPTER 114.

AN ACT AMENDING THE LIQUIDITY PROVISIONS APPLICABLE TO BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

114:1 Liquidity. Amend RSA 393:42 by striking out said section and inserting in place thereof the following:

393:42 Liquidity. Building and loan associations, cooperative banks or savings and loan associations shall maintain a reserve of not less than five percent of the amount of their share capital in cash, including balances in other banks, and/or public funds of the United States at par value

the maturity of which shall not exceed five years, and/or the obligations of agencies of the United States (as are designated by written ruling of the bank commissioner) at par value the maturity of which shall not exceed five years.

114:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 12, 1971.]

[Effective date July 11, 1971.]

CHAPTER 115.

AN ACT RELATIVE TO REPORTING OF FIRES TO THE STATE FIRE MARSHAL'S OFFICE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

115:1 Report Limit Increased. Amend RSA 153:11 as amended by 1957, 59:1 and 1959, 12:1 by striking out said section and inserting in place thereof the following:

153:11 Report of Causes and Origins of all Fires. Every fire occurring in this state shall be reported in writing to the state fire marshal within ten days after the occurrence of the same by the appropriate associate advisor and shall be in the form prescribed by the board and shall contain a statement of all facts relating to the cause and origin of such fire, so far as is possible, the extent of damage thereof and the insurance upon such property, and such other information as may be required. Fires resulting in losses of under fifteen hundred dollars need not be reported. The board shall cause to be prepared necessary instructional data for the associate advisors and sufficient forms for their use in the reports required hereby and cause them to be printed and sent to each associate advisor. When the cause, origin and circumstances of any fire occurring in any city, town, village district or precinct in this state indicates that such fire was the result of design, or of suspicious origin the associate advisor shall immediately notify the chief of police and the county attorney.

115:2 —Insurance. Amend RSA 153:13 as amended by 1957, 225:1 by striking out said section and inserting in place thereof the following:

153:13 Reports of Insurance Companies. Every fire insurance company transacting business in this state is hereby required to file with the board through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, a monthly report of fire losses showing the name of the assured, designating the class of occupancy, location of the property burned and probable causes of fire. Losses under fifteen hundred dollars need not be included in such reports. In the case of a fire of suspicious origin a preliminary report shall be made immediately through such bureau or association of companies or through some officer of the insurance company, showing the name of the assured, the date of the fire, location, occupancy, and such facts and circumstances as shall come to their knowledge and tending to establish the cause or origin of the fire.

115:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 12, 1971.]

[Effective date July 11, 1971.]

CHAPTER 116.

AN ACT RELATIVE TO EXCHANGE OF EMPLOYEES WITH THE FEDERAL GOVERNMENT IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

116:1 Exception for Assignment under Intergovernmental Personnel Act. Amend RSA 98-B: 3 (supp) as inserted by 1965, 231: 1 by striking out the same and inserting in place thereof the following:

98-B: 3 Authority to Interchange Employees. Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government or another state, as a sending or receiving agency. Except as to employees assigned under title IV of the Intergovernmental Personnel Act of 1970, 5 U.S.C. sections 3371-3376 as may be from time to time amended, the period of individual assignment or detail under an exchange program shall not exceed twelve months, nor shall any person be assigned or detailed for more than twelve months during any thirty-six month period. Details relating to any matter covered in this act may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

116:2 Intergovernmental Personnel Assignment Act Agreements. Amend RSA 98-B: 6 (supp) as inserted by 1965, 231: 1 by inserting after paragraph IV the following new paragraph:

V. The provisions of paragraphs I through IV of this section shall not apply to any employee assigned to or from the federal government under the terms of title IV of the Intergovernmental Personnel Act of 1970, 5 U.S.C. sections 3371-3376 as may be from time to time amended. The assignment of such an employee shall be governed by the terms of the intergovernmental personnel assignment agreement under which the employee is assigned.

116:3 Effective Date. This act shall take effect upon its passage.

[Approved May 12, 1971.]

[Effective date May 12, 1971.]

CHAPTER 117.**AN ACT PROHIBITING THE USE OF MOTOR BOATS ON MIRROR LAKE
IN WOODSTOCK.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

117:1 Motor Boats Prohibited. Amend RSA 486 by inserting after section 10 the following new section:

486:11 [New] Mirror Lake. On and after the effective date of the passage of this act, no person shall use or operate any motor boat or any boat equipped with an outboard motor upon the waters of Mirror Lake in the town of Woodstock. Whoever violates the provisions of this section shall be fined not more than fifty dollars.

117:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 12, 1971.]

[Effective date July 11, 1971.]

CHAPTER 118.**AN ACT LEGALIZING CERTAIN TOWN MEETINGS IN THE TOWN
OF WINDHAM.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

118:1 Town Meetings Legalized. All the acts, votes and proceedings, including but not being limited to adoption of zoning ordinances and a building code and amendments to each, taken at regular and special town meetings held in the town of Windham on September 18, 1959; March 9, 1960; March 14, 1962; March 10, 1964; and May 23, 1967 are hereby legalized, ratified and confirmed.

118:2 Effective Date. This act shall take effect upon its passage.

[Approved May 12, 1971.]

[Effective date May 12, 1971.]

CHAPTER 119.**AN ACT PROVIDING FOR COUNTY CONTRIBUTIONS TO TUITION PAID FOR
EDUCATION OF HANDICAPPED CHILDREN IN CHESHIRE COUNTY.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

119:1 Cheshire County. Amend RSA 186-A: 8 (supp) as inserted by 1965, 378: 1 and amended by 1967, 351: 1 and 1969, 470: 4 by striking out said section and inserting in place thereof the following:

186-A: 8 Tuition of Handicapped Children. Whenever any handicapped child shall attend, with the approval of the state board of education,

any public or private school, situated within or outside of this state, which offers special instruction for the training or education of handicapped children and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and may appropriate and pay a portion of the cost of such education in the manner and up to the amounts as provided by RSA 193: 4 and 194: 27, provided that in Cheshire county, upon request of such a school district, and upon approval by the county convention, the county may raise and appropriate funds to pay a portion of such costs for special education under this section. The state board of education shall assign pupils to approved schools for handicapped children. Schooling for deaf children may commence at the age of four. The school district in which each such pupil resides shall be liable for tuition of said child in the same manner and amount as specified in RSA 193: 4 and 194: 27. A school district may pay tuition at a rate higher than the amount specified in RSA 193: 4 and 194: 27, when in the judgment of the school board the circumstances warrant it.

119: 2 Effective Date. This act shall take effect upon its passage.

[Approved May 13, 1971.]

[Effective date May 13, 1971.]

CHAPTER 120.

AN ACT PROVIDING THAT THE REREGISTRATION OF VOTERS BE POSTPONED UNTIL 1973 AND ESTABLISHING A COMMITTEE TO STUDY AND REPORT ON THE FORM OF CHECKLISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

120: 1 Reregistration of Voters. Amend RSA 69:26-a, I (supp) as inserted by 1969, 263: 1 by striking out said section and inserting in place thereof the following:

I. In addition to any verification procedure carried out under the provisions of the foregoing section, the supervisors shall verify the checklist in 1973 and 1981 and once every ten years thereafter.

120: 2 Committee Established. There is hereby established a committee to study the laws relative to checklists and reregistration procedures and to make recommendations for changes thereto. The committee shall consist of fifteen members; ten members shall be or shall have been election officials in the state of New Hampshire and shall be appointed by the governor; two members shall be members of the senate and shall be appointed by the president, and three members of the house and shall be appointed by the speaker. The committee shall elect a chairman, vice chairman and clerk from its members. They shall hold public hearings in the course of their study to receive testimony and information as often and wherever they see fit. They shall report to the general court on or before January 15, 1973, with their recommendations, including any proposed legislation for revising the laws concerning the checklist. Members of the committee shall serve without compensation but when engaged in the business of the committee, shall be entitled to the same mileage as state employees. The governor is authorized to draw his warrant for the

payment of such mileage out of any money in the treasury not otherwise appropriated provided the total amount so appropriated under the provisions hereof shall not exceed three thousand dollars.

120:3 Effective Date. This act shall take effect upon its passage.

[Approved May 13, 1971.]

[Effective date May 13, 1971.]

CHAPTER 121.

AN ACT AUTHORIZING THE WATER RESOURCES BOARD TO CONTROL THE
RELEASE OR WITHHOLDING OF STORED WATER IF NECESSARY
FOR THE PUBLIC HEALTH OR SAFETY.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

121:1 Water Resources Board Empowered to Direct Changes. Amend RSA 484:1 by striking out said section and inserting in place thereof the following:

484:1 Investigation of Levels of Inland Waters. The water resources board may, upon its own motion or at the request of the attorney-general or upon complaint of not less than ten owners of property on any inland public water in the state, make a preliminary investigation of conditions affecting the use and enjoyment of any such public water, whenever it shall be of the opinion that such investigation would be in the public interest. If, as a result of any such preliminary investigation, it shall appear to the board that the management and control of any outlet of any such public water and the instrumentalities connected therewith are carried on or used in such manner that the value of shore property above or riparian rights below such outlet or the enjoyment of such water by the public is seriously and adversely affected, it may make further investigation with a view to ascertaining the respective rights of all interested parties, including the public. If, as a result of such further investigation after public hearing the board shall be of the opinion that such management and control is lawful, but that changes in the manner of the exercise of the right of management and control would be of benefit to others without undue injury to the owner of the outlet, it shall direct such changes as in its opinion would be of benefit to the public and private interests concerned.

121:2 Water Resources Board. Amend RSA 482:2 by striking out in line twenty-one the words "it may recommend" and inserting in place thereof the words (it shall direct) so that said section as amended shall read as follows:

482:2 Investigation of High and Low Levels. The water resources board is authorized to make such investigations as in its opinion the public good requires, with respect to high or low water levels in the inland public waters of the state, and the rights, instrumentalities and practices whereby such levels are affected or controlled, with a view to

the exercise of such control thereof, in a manner consistent with public and private rights and interests, as will best promote the public health and safety and the enjoyment and value of such public waters. In such cases as the board may deem expedient it may ascertain the extent to which owners and managers of dams take into consideration variations of run-off and plan for and anticipate emergencies. Owners of dams at the reasonable request of the board shall make available to the board such records of water levels and flow of inland public waters as are made and kept by such owners to assist the board in knowing the remaining storage capacity of reservoirs, whether created by dams or otherwise, and to gauge the flow of streams. From time to time the board may call to conference owners of dams for the purpose of obtaining co-operation in the regulation of stream flow to minimize damage to public and private property at times of high water. Whenever in the opinion of the board an emergency exists or is threatened whereby the public health or safety may be jeopardized by the release or withholding of stored waters, it shall direct such action by the owner or manager of a dam with respect to the release or withholding of water as it may deem necessary in the public interest.

121:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1971.]

[Effective date July 12, 1971.]

CHAPTER 122.

AN ACT TO PERMIT A LICENSEE FORTY-EIGHT HOURS TO PRESENT
LICENSE AND REGISTRATION TO LAW ENFORCEMENT OFFICIALS
AFTER A LAWFUL REQUEST THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

122:1 Grace Period. Amend RSA 261 by inserting after section 23 the following new section:

261:23-a [New] Examination of Certificates and Licenses. No person charged with a violation of RSA 261:23 shall be convicted if, within a period of forty-eight hours, he produces in the office of the arresting officer evidence that he held a valid license and/or registration which was in effect at the time of his arrest.

122:2 Effective Date. This act shall take effect after its passage.

[Approved May 13, 1971.]

[Effective date July 12, 1971.]

CHAPTER 123.

AN ACT RELATIVE TO THE ESTABLISHMENT OF THE POSITION AND
SALARY OF THE ASSOCIATE JUSTICE AND DEPUTY CLERK OF THE
NASHUA DISTRICT COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

123:1 Associate Justice. Amend RSA 502-A:3-a (supp) as inserted by 1969, 124:1 by striking out said section and inserting in place thereof the following:

502-A:3-a [New] Associate Justice, Manchester and Nashua District Courts. The Manchester District Court and the Nashua District Court in addition to the justice shall each have a full-time associate justice appointed and commissioned by the governor, with advice and consent of the council, as prescribed by the constitution who shall have the same qualifications and powers as prescribed for the justice.

123:2 Salary, Associate Justice. Amend RSA 502-A:6, I-a (supp) as inserted by 1969, 124:3 and amended by 1970, 14:2 by striking out the same and inserting in place thereof the following, so that said paragraph as amended shall read as follows:

I-a. SALARY OF ASSOCIATE JUSTICE, MANCHESTER AND NASHUA DISTRICT COURTS. The annual salary of the associate justices of the Manchester District Court and the Nashua District Court shall each be an amount one thousand dollars less than the amount paid the justice thereof as provided in paragraph I.

123:3 Deputy Clerk. Amend RSA 502-A:7-a (supp) as inserted by 1969, 124:2 by striking out the same and inserting in place thereof the following, so that said section as amended shall read as follows:

502-A:7-a [New] Deputy Clerk, Manchester and the Nashua District Courts. The Manchester District Court and the Nashua District Court shall each have a deputy clerk of court appointed by the justice thereof, who shall hold office during the pleasure of the justice appointing him. He shall have the qualifications, powers and duties as prescribed for clerks of district courts.

123:4 Salary of Deputy Clerk. Amend RSA 502-A:6, IV (supp) as inserted by 1969, 124:4 by striking out the same and inserting in place thereof the following, so that said paragraph as amended shall read as follows:

IV. SALARY OF DEPUTY CLERK, MANCHESTER AND THE NASHUA DISTRICT COURTS. The annual salary of the deputy clerks of the Manchester District Court and the Nashua District Court shall each be in an amount equal to sixty percent of the salary paid the associate justice thereof, as provided in paragraph I-a.

123:5 Effective Date. This act shall take effect July 1, 1972.

[Approved May 17, 1971.]

[Effective date July 1, 1972.]

CHAPTER 124.

AN ACT ESTABLISHING A STUDY COMMITTEE TO REPORT ON THE
FEASIBILITY OF MAKING AVAILABLE STATE OWNED RECREA-
TIONAL AREAS TO DISADVANTAGED NEW HAMPSHIRE
RESIDENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

124:1 State Owned Recreational Areas Study Committee. A state owned recreational areas study committee composed of seven members, three from the department of health and welfare, two from the division of state parks and two from the cooperative extension service, is hereby established to examine and make recommendations relative to the feasibility of utilizing the Bear Hill camp area and the Spruce Pond camp area located in the Bear Brook state park for exceptional or disadvantaged citizens of New Hampshire. The committee shall be appointed as follows: Three members from the department of health and welfare by the director of health and welfare, two members from the division of state parks by the director of state parks and two members from the cooperative extension service by the director of the cooperative extension service. The members shall not be entitled to any salary, but are entitled to reimbursement for mileage and expenses incurred in carrying out their duties under this act.

124:2 Duties. The committee shall study among other things: (1) The availability of the Bear Hill and Spruce Pond camp areas for use other than by members of the 4-H clubs and (2) the feasibility of utilizing these areas for the exceptional or disadvantaged citizens of the state.

124:3 Report and Recommendations. The committee shall submit a report no later than January fifteenth to the 1973 session of the legislature.

124:4 Effective Date. This act shall take effect sixty days after its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of Governor, May 18, 1971.]

[Effective date July 17, 1971.]

CHAPTER 125.

AN ACT PROVIDING THAT THE DESIGNEE OF THE SPEAKER OF THE HOUSE
OR THE PRESIDENT MAY SIGN BILLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

125:1 Presentation of Bills. Amend RSA 14:9 (supp) as amended by 1969, 32:2 by striking out said section and inserting in place thereof the following:

14:9 Presentation for Approval. After any bill or joint resolution has been enrolled and approved, as provided by section 8, and signed by the speaker of the house, or his designee, and by the president of the senate, or his designee, it shall be presented by the secretary of state to the governor

for his approval, and the secretary shall note thereon the day and hour of presentation for approval, and shall make a similar entry in the records of his office. No designee shall sign a bill under the authority of this section unless his name has been filed by the speaker of the house or president of the senate with the secretary of state prior to such signing.

125: 2 Effective Date. This act shall take effect upon its passage.

[Approved May 19, 1971.]

[Effective date May 19, 1971.]

CHAPTER 126.

AN ACT AUTHORIZING LAW ENFORCEMENT OFFICERS TO REQUIRE WEIGHING OF MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

126: 1 Weighing Required. Amend RSA 263 by inserting after section 69 the following new section:

263: 69-a [New] Weighing of Vehicles. Any law enforcement officer may, if he has reason to believe that a motor vehicle is overloaded, require the operator to stop and submit to a weighing of said motor vehicle by means of either portable or stationary scales. If such scales are not available at the place where the stopping occurs, the law enforcement officer may require the operator to drive said motor vehicle to the nearest public scales, provided the distance to the public scales does not exceed ten miles.

126: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 20, 1971.]

[Effective date July 19, 1971.]

CHAPTER 127.

AN ACT RELATIVE TO LOCAL PARKING ORDINANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

127: 1 Local Ordinances. Amend RSA 262-A by inserting after section 71 the following new section:

262-A: 71-a [New] Local Ordinances not Superseded. The provisions of RSA 262-A: 71 shall not supersede the provisions of any local ordinance which has been adopted to regulate parking in restricted areas in the compact part of any city or town.

127: 2 Effective Date. This act shall take effect upon its passage.

[Approved May 20, 1971.]

[Effective date May 20, 1971.]

CHAPTER 128.

AN ACT LIMITING THE PROVISIONS OF THE NEW HAMPSHIRE LITTLE DAVIS-BACON ACT TO CERTAIN PROJECTS AND EQUATING THE SAME WITH THE FEDERAL ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

128:1 Limiting Application to Contracts Over Five Hundred Thousand Dollars. Amend RSA 280:1 as amended by 1957, 187:15; 1963, 286:1 and 1965, 287:1 by striking out the same and inserting in place thereof the following:

280:1 Regulation by Labor Commissioner of Contracts of Over Five Hundred Thousand Dollars. The advertised specifications for every contract in excess of five hundred thousand dollars for the construction of public works by the state of New Hampshire, or by a county, municipality or district established by law which requires or involves the employment of mechanics, teamsters, chauffeurs and laborers shall contain a provision stating the minimum wages to be paid various classes of said employees which shall be based upon wages that will be determined by the labor commissioner to be prevailing for the corresponding classes of mechanics, teamsters, chauffeurs and laborers employed on projects of a character similar to the contract work in the city, town, village or other civil subdivision in which the work is to be performed and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay hourly wages which are no less than the various rates so established during the life of the contract. This section shall also apply to regular employees of the state when such employees are employed in the construction, addition to, or alteration of said works for which special appropriations are provided. Payments by employers to health, welfare, pension, and/or other plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing prevailing wage rates as herein prescribed.

128:2 Determination. Amend RSA 280:2 as amended by 1963, 286:2 and 1965, 287:2 by striking out the same and inserting in place thereof the following:

280:2 Determination of Wages. The commissioner shall prepare, for the use of such public officials or public bodies whose duty it shall be to cause public works to be constructed, a list of the several classifications usually used on various types of public works upon which mechanics, teamsters, chauffeurs, and laborers are employed. The commissioner may revise such classifications from time to time as he may deem advisable. At least ten days before asking for bids the authorized officials or agency prescribing specifications shall request the labor commissioner to determine the minimum wage rates as provided in RSA 280:1. The labor commissioner shall immediately determine the minimum wage rates to be paid in said area, and shall so notify any organization of employees or employers who shall have previously requested that such determined rates shall be furnished them. The labor commissioner shall also immediately furnish the determined minimum wage rates to any mayor, manager, or chairman of

selectmen, in the area where such public works is to be constructed. In advertising or calling for bids for said works, when the awarding official, or public body, incorporates said schedule in the advertisement or call for bids by an appropriate reference thereto, he shall also furnish a copy of said schedule, without cost, to any person requesting the same. Any persons engaged in the construction of said works shall cause a legible copy of said schedule to be kept posted in a conspicuous place at the site of said works during the life of the contract. The aforesaid rates of wages in the schedule of wage rates shall include payments by employers to health, welfare, pension or other plans as provided in the preceding section, and such payments shall be considered as payments to persons under this section performing work as herein provided. An employer who provides payment of comparable benefits to its employees, other than as defined in the preceding section, may be given credit for same against determined wage rates by application to and authorization of the labor commissioner. Any employer engaged in the construction of such works who does not make payments to health, welfare, pension or other plans, or other comparable benefits recognized by the commissioner, where such payments are included in said determined rates of wages, shall pay the amounts of said payments directly to each employee engaged in said construction.

128:3 Members of Board Increased. Amend RSA 280:3 as amended by 1955, 323:1; 1957, 187:15 and 199:1 by striking out the same and inserting in place thereof the following:

280:3 Appeal. Within fifteen days after such wage rates shall be determined in accordance with the provisions of RSA 280:1 and 2, such rates may be appealed by an association of employees or employers, any two citizens of the state, or any public awarding agency, such appeal to be heard before a board of five, constituted as follows: The governor and council shall appoint four members who are knowledgeable in matters concerning the construction industry for a term of two years each. Organized employers and organized employees in the construction industry shall be represented on said board by one member each. The fifth member of said board shall be appointed by the first four members, and in case all four cannot all agree on the fifth member within thirty days after their own appointment, said fifth member shall be appointed by the governor and council. The five members of the appeal tribunal shall be paid a fee of twenty dollars per day for each day of actual attendance of called meetings of the appeal tribunal and shall also be reimbursed for necessary travel and other necessary expenses. If while an appeal is pending any member of the appeal board, by reason of illness, absence from the state or otherwise, is unable to perform his duties, the governor shall appoint a person to act in his stead with respect to that appeal then pending. Upon the filing of an appeal hereunder, the appeal board shall fix a time and place for a public hearing thereon to be held not later than seven days after filing of the appeal, Saturdays, Sundays and holidays excepted; and the labor commissioner shall give written notice thereof to any public awarding agencies concerned, and to all interested associations and organizations of employers and employees in the construction industry deemed by him to be affected by the appeal. Within forty-eight hours after adjournment of the hearing, the board shall submit its decision in writing to the labor commissioner who shall forward copies thereof to all parties deemed by him to be interested in the appeal and affected thereby.

128:4 Federal Statute Controlling. Amend RSA 280 by inserting at the end thereof the following new section:

280:7 [New] Applicability of Chapter. When applicable, the provisions of this chapter and wage determinations hereunder shall apply only to the same extent and in the same manner as the Davis-Bacon Act, P.L. 403 of the 74th Congress, as it presently exists or is later amended or otherwise affected by executive order.

128:5 Application to Existing Contracts and Invitations to Bid. The provisions of this act shall apply to all projects under construction or for which bids have been let prior to the effective date of this act until such project is completed.

128:6 Tenure of Board Members. The provisions of this act shall not affect the term of office of the incumbent members of the board provided for in RSA 280:3. The initial appointment of the two new members shall be for a term expiring on September 28, 1973.

128:7 Effective Date. This act shall take effect upon its passage.

[Approved May 20, 1971.]

[Effective date May 20, 1971.]

CHAPTER 129.

AN ACT APPROPRIATING FUNDS TO ASSIST THE LEBANON REGIONAL AIRPORT AUTHORITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

129:1 Appropriation. In addition to any other appropriations for the aeronautics commission there is hereby appropriated the sum of five thousand dollars for the purpose of assisting the Lebanon Regional Airport Authority in costs of operation and maintenance of the Lebanon Regional Airport from January 1 through June 30, 1971. The governor is hereby authorized to draw his warrant for the additional appropriation out of any money in the treasury not otherwise appropriated.

129:2 Condition of Appropriation. Funds hereby appropriated shall be a charge against scheduled air carrier service fees originating at Lebanon Regional Airport and to be allocated to the Lebanon Regional Airport Authority in accordance with the provisions of RSA 422:43 as amended by 1969, 391. One-half of amounts available for return to the Lebanon Regional Airport shall be retained by the state treasurer until the sum of five thousand dollars has accumulated. This amount shall represent repayment, in full, of the appropriation herein provided and said funds hereby accumulated shall be transferred from the aeronautical sinking fund to the general fund account of the state.

129:3 Effective Date. This act shall take effect upon its passage.

[Approved May 21, 1971.]

[Effective date May 21, 1971.]

CHAPTER 130.

AN ACT RELATIVE TO THE DIRECTOR AND DEPUTY DIRECTOR OF THE
NEW HAMPSHIRE DISTRIBUTING AGENCY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

130:1 Director as a Classified Position. Amend RSA 8-A:2 (supp) as inserted by 1957, 284:1 by striking out said section and inserting in place thereof the following:

8-A:2 Director. The comptroller, subject to the requirements of the personnel laws, shall appoint a director of the distributing agency who shall be the executive head of the agency and administer the affairs under the supervision of the comptroller.

130:2 Deputy Director as a Classified Position. Amend RSA 8-A:3 (supp) as inserted by 1957, 284:1 by striking out said section and inserting in place thereof the following:

8-A:3 Deputy Director. The director, subject to the requirements of the personnel laws, shall appoint a deputy director of the distributing agency who shall assist the director of the agency and perform such duties as the director may require.

130:3 Elimination of Positions. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 and amended by 1970, 57:4 by striking out where it appears in proper alphabetical order the following words and numerals:

"Deputy director, New Hampshire distributing agency	8,882	10,785"	and
"Director, New Hampshire distributing agency	11,419	13,322".	

130:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

 CHAPTER 131.
AN ACT RELATIVE TO THE DEVELOPMENT OF SERVICES TO AID THE
HEALTH AND WELFARE OF THE CITIZENS OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

131:1 Development of Services. Amend RSA 161:2 by inserting after paragraph XI the following new paragraph:

XII. Social Service Programs. Develop a broad range of social and related services aimed at preventing dependency and family breakdown, promoting child development and child care, protecting vulnerable children and adults, enabling aged and infirmed to live in their own home rather than institutions, assisting individuals to attain and maintain self-support and strengthen family life, develop and operate social service programs within the division of welfare, receive and distribute such federal funds which

are allocated specifically to the state for day care for children and adults, purchase or contract with other agencies or individuals to provide direct grants from sums appropriated for such purpose to other agencies upon submission of approvable plans within the objectives of this section.

131:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

CHAPTER 132.

AN ACT RELATIVE TO THE RABIES CONTROL LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

132:1 Control Authority Clarified. Amend RSA 442-A:1, VIII as inserted by 1967, 188:1 by striking out said paragraph and inserting in place thereof the following:

VIII. "Rabies Control Authority" shall mean the town or city manager of the respective town or city and in the absence thereof the board of selectmen or mayor.

132:2 Vaccination Required. Amend RSA 442-A:2 as inserted by 1967, 188:1 by striking out said section and inserting in place thereof the following:

442-A:2 Rabies Vaccination Required. Every dog three months of age and older shall be vaccinated against rabies. Young dogs shall be vaccinated within thirty days after they have reached three months of age. Unvaccinated dogs acquired or moved into the state must be vaccinated within thirty days after purchase or arrival, unless under three months of age, as specified above. Every dog shall be revaccinated at such intervals and with such vaccines as the commissioner shall specify from time to time. In rabies infected areas, dogs recently vaccinated should be kept under control for at least thirty days before being allowed to run free.

132:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

CHAPTER 133.

AN ACT RELATIVE TO THE DESTRUCTION AND REMOVAL OF BOUNDARY MARKERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

133:1 Negligent Removal of Boundary Markers. Amend RSA 572:25 by striking out in line five the word "twenty" and inserting in place

thereof the words (one hundred) so that said section as amended shall read as follows:

572:25 Removing Boundary. If any person shall wilfully or maliciously remove or alter any boundary of lands, or deface, alter, or remove any mark upon a tree or other monument made for the purpose of designating a point, course or line in the boundary of a tract of land or in the dividing line between towns, he shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

133:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

CHAPTER 134.

AN ACT CLARIFYING THE DUTIES OF THE DEPUTY ATTORNEY GENERAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

134:1 During Vacancy. Amend RSA 7:3 by inserting in line two after the word "cause" the words (or whenever there is a vacancy in the office) so that said section as amended shall read as follows:

7:3 —Authority. The deputy attorney general shall act as attorney general whenever the latter is absent or unable to act from any cause, or whenever there is a vacancy in the office, provided he shall not so act when the governor and council have appointed an acting attorney general in accordance with the provisions of section 15 of this chapter.

134:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

CHAPTER 135.

AN ACT REGULATING THE SALE OF HYPODERMIC SYRINGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

135:1 Hypodermic Sale. Amend RSA 318 by inserting after section 52-b the following new sections:

318:52-c [New] Sale of Hypodermic Syringe. Hypodermic syringes, needles or any instrument adapted for the administration of controlled drugs by injection shall not be sold except in registered drug stores. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, nurse, podiatrist, registered

pharmacist or embalmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or interne of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of controlled drugs by injection without the written prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed and the number of instruments prescribed.

318: 52-d [New] Recording and Filling of Prescription. Every person who disposes of, or sells, or furnishes, or gives away a hypodermic syringe or a hypodermic needle or an instrument adapted for the administration of controlled drugs by injection, upon the written prescription of a duly licensed physician, dentist, or veterinarian, shall record over his signature, the date of the sale or furnishing of the instrument and the number of instruments sold. This prescription shall be retained on file for a period of two years and shall be opened to inspection by any public officer or employee engaged in the enforcement of RSA 318-B. A prescription filled in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the administration of controlled drugs by injection to the person to whom the prescription was issued for a period of six months from the date of its original issuance.

318: 52-e [New] Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited. No person shall have under his control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled drugs by injection, except a duly licensed physician, dentist, nurse, podiatrist, veterinarian, a registered embalmer, manufacturer or dealer in embalming supplies, registered pharmacist, wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his official duties, para-medical personnel acting under the direction of a physician or dentist, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles during the official performance of his duties, or a person who has received a written prescription issued under RSA 318: 52-c. For the purpose of this subdivision no such prescription shall be valid which has been outstanding for more than six months.

135: 2 Repeal. RSA 318: 52 as inserted by 1970, 48: 1 relative to the sale of hypodermic syringes is hereby repealed.

135: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 21, 1971.]

[Effective date July 20, 1971.]

CHAPTER 136.

AN ACT TO PROVIDE FOR TREATMENT OF MINORS FOR DRUG
ABUSE WITHOUT PARENTAL CONSENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

136:1 Parental Consent. Amend RSA 318-B by inserting after section 12 (supp) the following new section:

318-B:12-a [New] Treatment for Drug Abuse. Any minor twelve years of age or older may voluntarily submit himself to treatment for drug dependency as defined in RSA 318-B: 1, IX or any problem related to the use of drugs at any municipal health department, state institution or facility, public or private hospital or clinic, any licensed physician, or other accredited state or local social welfare agency, without the consent of a parent, guardian, or any other person charged with the care or custody of said minor. Such parent or legal guardian shall not be liable for the payment for any treatment rendered pursuant to this section. The treating facility, agency or individual shall keep records on the treatment given to minors as provided under this section in the usual and customary manner, but no reports or records or information contained therein shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, or statistical and medical purposes, except upon the written consent of the person examined or treated. Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of such treatment and the consequences thereof.

136:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 137.AN ACT TO INCREASE THE DISCOUNT FOR RESIDENT PURCHASING
SEASON SKI TICKETS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

137:1 Increased Discount. Amend RSA 227: 14 (supp) as inserted by 1967, 352: 2 by striking out in line one the word "twenty" and inserting in place thereof the word (twenty-five) so that said section as amended shall read as follows:

227: 14 [New] Reduced Rates. A discount of twenty-five percent shall be given by the division to state residents, when certified as such by their respective town clerks, on all season tickets and coupon books sold prior to December fifteenth of each year for winter facilities at Mt. Sunapee and Cannon Mountain state ski areas.

137:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 138.

AN ACT REQUIRING FISHWAYS TO BE BUILT ON CERTAIN DAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

138:1 Construction of Dams. Amend RSA 211: 8 by striking out said section and inserting in place thereof the following:

211:8 Obstructions. No person shall, by means of rack, screen, weir or other obstruction, in any stream or river, or the inlet or outlet of a public pond, prevent the passage of fish except as provided in RSA 211: 8-c.

138:2 Construction of Fishways. Amend RSA 211 by inserting after section 8 the following new section:

211:8-a [New] Fishways at Existing Dams or Obstructions. Fish passage facilities shall be constructed and maintained at existing dams or obstructions in accordance with the following procedure:

I. After the director of the fish and game department has made a determination that a fish passage facility is needed at an existing dam or obstruction, and upon his request, the governor, with the advice of the council, shall appoint a commission of three disinterested citizens of the state to review this determination.

II. Said commission shall hold public hearings to determine the need and desirability of providing fish passage facilities over the dam or obstruction, and the deliberations of the commission shall include a careful consideration of the economic values associated with the project. Upon completion of its study, the commission shall report its findings to the governor and council; the report shall include any recommendations for special conditions to be associated with the project and a recommendation for the distribution of cost between the owner and the state for construction and maintenance of the fish passage and a recommendation as to whether the owner or the fish and game department shall operate and maintain said fish passage facilities.

III. Upon receipt of said report, the governor, with the advice of the council, shall determine the share of the cost of construction and the share of the cost of maintenance to be borne by the owner and by the state. The state's share shall be a charge on the fish and game fund.

IV. The actual design and location of fish passage facilities authorized under this act shall be determined by the director of the fish and game department.

V. The owner of the dam or obstruction at which a fish passage facility is constructed as provided in this section or the fish and game department, as determined by the governor and council shall, consistent with the primary purpose of the dam or obstruction, operate the fish passage facility to allow for the passage of fish species present during the period of their

normal migration as determined by the director of the fish and game department.

VI. Any party to the action or proceedings under this section may apply for a rehearing or appeal under the procedure as provided by RSA 541.

138:3 Inspection by Director. Amend RSA 211 by inserting after section 8-a the following new section:

211:8-b [New] Inspection. The director or his representative may, from time to time, enter and inspect any dam or impoundment in any river or stream, or inlet or outlet of any pond located within the state of New Hampshire to insure the adequate installation, maintenance and operation of fish passage facilities required by section 8-a.

138:4 Exception. Amend RSA 211 by inserting after section 8-b the following new section:

211:8-c [New] Federal Power Commission. The provisions of RSA 211:8-a shall not apply to those dams under license by the federal power commission.

138:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 139.

AN ACT RELATING TO CONSERVATION OFFICERS OF THE FISH AND GAME DEPARTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

139:1 Conservation Officers. Amend RSA 206:26 by inserting after paragraph X the following new paragraphs:

XI. To enforce the laws relating to snowmobiles, all terrain vehicles, trespass on posted lands, motor vehicles blocking private ways, vandalism and malicious damage to property and livestock, use and transportation of firearms for hunting, bob houses, boats, dogs at large, breaking and entering and larceny in remote areas, protection of the environment, littering and dumping.

XII. To conduct search and rescue operations in woodlands and inland waters and to provide security at the sites thereof.

XIII. In emergencies upon their requests, to cooperate with other law enforcement agencies.

XIV. To have and exercise the powers and privileges granted by RSA 594 as to matters within their jurisdiction under this section.

139:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 140.

AN ACT RELATIVE TO EXTENDING THE SERVICE FEE ON AIR CARRIERS TO ALL PUBLIC LANDING AREAS SUPPORTED, IN WHOLE OR IN PART, BY STATE AND MUNICIPALITY OR AIRPORT AUTHORITY FUNDS AND TO ALLOCATE SAID FEES BETWEEN THE STATE AND MUNICIPALITIES OR AIRPORT AUTHORITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

140:1 Service Fee Extended and Allocated. Amend RSA 422:44 as inserted by 1959, 258:2, by striking out said section and inserting in place thereof the following section:

422:44 Carriers Under Contract or by Charter. Every person, firm or corporation engaged in this state, whether in interstate or intrastate operations, carrying passengers for hire in aircraft under contract or by charter, hereinafter in this section referred to as a passenger carrier by aircraft, who uses in connection with such business a public landing area which, subsequent to October 1, 1959, shall be constructed, operated, or maintained, in whole or in part, through or with funds contributed by the state and by a municipality or airport authority shall, at any such landing area, pay a service charge of one dollar with respect to each passenger emplaning upon its aircraft with a gross weight of twelve thousand five hundred pounds or more. Each contract or charter passenger carrier by aircraft subject to the provisions of this section shall file with the commission, upon a form prescribed by the commission on or before the fifteenth day of each month, a return showing the number of contract or charter passengers emplaning at each such landing area during the preceding calendar month upon the aircraft of such passenger carrier by aircraft and the gross weight of such aircraft, together with such other pertinent information as the commission shall require, and shall remit with the return the service fees imposed hereby. Upon audit of the return the commission shall forward fifty percent of the service fees to the state treasurer who shall cover the same into the aeronautical fund established by RSA 422:42. The remaining fifty percent of the service fees shall be allocated and paid by the commission to the municipalities or the airport authorities owning the public landing areas at which the fees reported in said return were imposed. Nothing herein shall prevent a contract or charter passenger carrier by aircraft from collecting, directly or indirectly, the service fee payable with respect to each passenger from such passenger. The service fees herein provided for shall be due and payable, with respect to any landing area from and after the date of the first receipt of funds for the construction, operation or maintenance thereof from the state and from the municipality or airport authority owning any such public landing area. If any person, firm or corporation subject to the provisions of this section shall fail or neglect to pay the fees imposed thereby, the same may be collected by the attorney general through civil proceedings in any appropriate tribunal.

140:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 141.

AN ACT RELATIVE TO INTOXICATING BEVERAGES AT INTERSCHOLASTIC ATHLETIC CONTESTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

141:1 Intoxicating Beverages. Amend RSA 570 by inserting after section 24 the following new section:

570:24-a [New] Intoxicating Beverages at Interscholastic Athletic Contests. No person shall drink, or have in his possession, any intoxicating beverage while in attendance as a spectator or otherwise, at any place where a school interscholastic athletic contest is being conducted. Whoever violates the provisions of this section shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

141:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 142.

AN ACT RELATIVE TO TAX EXEMPTIONS FOR WATER AND AIR POLLUTION CONTROL FACILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

142:1 Pollution Control Facilities Exempted. Amend RSA 72 by inserting after section 12 the following new sections:

72:12-a [New] Water and Air Pollution Control Facilities. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance or installation wholly or partly for the purpose of reducing, controlling or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for a period of twenty-five years. The party seeking the exemption shall file an application with the water supply and pollution control commission if the exemption sought is for a water pollution control facility or the air pollution control commission if the exemption sought is for an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function. The commission shall investigate and determine whether the purpose of the facility is solely or only partially pollution control. If the commission finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant's investment in the facility what percentage of the facility is used to control pollution. In

making its investigation, the commission may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination. Upon making its determination, the commission shall notify the applicant and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control, or, if not, what percentage of the applicant's investment in the facility should be allocated to pollution control. The taxing authorities shall each year separately appraise and describe the facility and related real estate and cause such appraisal and description to appear in their inventory, and shall exempt for a period of twenty-five years from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor, or the exempt percentage thereof determined by the commission. The exemption period shall begin as of the April first next following the receipt of the commission's determination. Either the municipality or the owner of the facility may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

72:12-b [New] Facilities Previously Exempted. Upon application by either the municipality or the owner of any pollution control facility previously exempted under RSA 149:5-a the commission shall review a determination made under RSA 149:5-a and determine the exempt percentage in the manner provided by RSA 72:12-a; provided, however, that the period of exemption shall not be extended by any such redetermination. Either the municipality or the owner of the facility may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

142:2 Repeal. RSA 149:5-a and 149:5-b as inserted by 1955, 196:1 relative to tax exemptions are hereby repealed.

142:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 143.

AN ACT EXEMPTING CERTAIN TEMPORARY HELIPORTS FROM REGISTRATION UNDER THE PROVISIONS OF THE AERONAUTICS ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

143:1 Heliports. Amend RSA 422:38 by inserting at the end thereof the following new paragraph:

X. The registration of a temporary heliport site for commercial operations provided that use for commercial purposes shall be limited to seven days during any single registration year, however, the use of any such site as a heliport shall be subject to determination by the director that it conforms to minimum safety standards as promulgated by the commission.

143:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 144.

AN ACT TO DEFINE, CONTROL AND PROHIBIT THE LITTERING OF PUBLIC OR PRIVATE PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

144:1 Litter Control. Amend RSA by inserting after chapter 163-A (supp) the following new chapter:

CHAPTER 163-B [NEW]

LITTER CONTROL LAW

163-B:1 Declaration of Intent. It is the intention of the legislature by this chapter to provide for uniform prohibition throughout the state of any and all littering on public or private property, and to curb thereby the desecration of the beauty of the state and harm to the health, welfare and safety of its citizens caused by individuals who litter.

163-B:2 Definitions. As used in this chapter, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

I. The word "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

163-B:3 Unlawful Activities. It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this state, or in or on ice or in any waters in this state, unless:

I. Such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;

II. Such litter is placed into a litter receptacle or container installed on such property;

III. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

163-B:4 Penalties.

I. Any person violating the provisions of RSA 163-B:3 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars or imprisonment for three days, or both such fine and imprisonment, or, in lieu thereof, in the sound discretion of any court in which conviction is obtained, any such person may be directed by the judge of

such court to pick up and remove from any public street or highway or public or private right-of-way, or public beach or public park, or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

II. The court is hereby directed to publish the names of persons convicted of violating the provisions of RSA 163-B: 3.

163-B: 5 Prima Facie Evidence. Evidence that litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of RSA 163-B: 3, shall be prima facie evidence that the operator of said conveyance shall have violated this chapter and the license to operate such a conveyance issued to any person convicted hereunder may be suspended for a period not to exceed seven days together with, or in lieu of, penalties provided in RSA 163-B: 4.

163-B: 6 Enforcement. All law enforcement agencies and officers and officials of said agencies of this state or any political subdivision thereof are hereby authorized, empowered, and directed to enforce compliance with this chapter.

144: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 145.

AN ACT TO AMEND THE CHARTER OF ST. PAUL'S SCHOOL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

145: 1 Increase Membership. Amend section 1 of an act entitled "An Act to incorporate St. Paul's School", approved June 29, 1855, as amended by 1913, 396: 1 by striking out in line twelve the word "six" and inserting in place thereof the word (eleven) and by striking out in line thirteen the word "fifteen" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows:

SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Horatio Southgate, Newton E. Marble, Nathaniel B. Baker, William F. Otis, Isaac F. Redfield, Mathew Harvey, Jacob Carter, William E. Coale, Henry M. Parker, their associates and successors, be and they hereby are made a body politic and corporate by the name of St. Paul's School; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall have and enjoy all the powers and privileges and be subject to all the liabilities incident to corporations of a similar character, provided that the number of associates shall not exceed eleven, that is to say, the whole number of members of said corporation shall not exceed twenty.

145:2 Management and Control. Amend section three of an act entitled "An Act to incorporate St. Paul's School" approved June 29, 1855 as amended by 1913, 396:2 by striking out in line six the word "eleven" and inserting in place thereof the word (fifteen) and by striking out in line seven the word "fifteen" and inserting in place thereof the word (twenty) and by striking out in line eight the word "five" and inserting in place thereof the word (seven) so that said section as amended shall read as follows:

Sect. 3. Said corporators and their associates and their successors shall have the entire management and control of the affairs of said corporation and shall by election fill all vacancies which may from time to time occur in their body, so that the whole number of members of said corporation shall be at least fifteen, and may be increased, from time to time, by vote of said corporation, to a number not exceeding twenty. At all meetings of the corporation seven shall constitute a quorum for the transaction of business except on the election or removal of the principal of said school.

145:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 146.

AN ACT PROVIDING THAT A HELPER MAY SET OR HAUL LOBSTER AND CRAB TRAPS ONLY IN THE PRESENCE OF AND ABOARD A BOAT BELONGING TO A LICENSED LOBSTERMAN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

146:1 Helpers. Amend RSA 211:20 (supp) as amended by 1965, 305:2 by inserting in line seven after the word "suspended" the following (A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license) so that said section as amended shall read as follows:

211:20 Helper's License. Any person licensed under the provisions of section 18 of this chapter may get a helper's license which entitles him to have the help of a person in the taking of lobsters or crabs if the helper meets the requirements set forth by RSA 211:23. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which was suspended. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. The fee for a helper's license is ten dollars.

146:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 147.

AN ACT RELATIVE TO THE BOARD OF ARBORISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

147:1 State Entomologist. Amend RSA 222:2 (supp) as amended by 1961, 223:3; 1965, 368:4 and 1967, 270:8 by striking out said section and inserting in place thereof the following:

222:2 Board of Examiners. The director of the division of resources development, department of resources and economic development, the commissioner of agriculture, and the state entomologist shall constitute a board for the examination of arborists. If they are satisfied, on examination of an applicant, that he is qualified to improve, protect, and preserve fruit, shade, ornamental, and forest trees, they may issue a certificate stating that he is a registered arborist. Such certificate shall expire at the close of the calendar year unless sooner revoked as provided in section 3, and may be renewed by the board for succeeding years without further examination upon the payment of the required fee. Any person, firm, or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work. One member of each crew operating a piece of equipment applying pesticides as defined in RSA 149-D:3 (II) must be registered as required by RSA 149-D:5(III). As a condition for the renewal of a certificate, the board of examiners of arborists shall require the certificate holder to submit for filing with the pesticides control board his records of the previous year's application of pesticides the same as required from persons holding a registration or permit from the pesticides control board.

147:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 148.

AN ACT RELATIVE TO FILING DATES FOR NOMINATIONS IN CERTAIN CITIES AND TOWNS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

148:1 Time of Filing in Large Towns. Amend RSA 59:73 (supp) as amended by 1965, 197:1 by striking out said section and inserting in place thereof the following:

59:73 Adoption of Non-Partisan Ballot System. Towns may adopt a non-partisan ballot system, as hereinafter provided, for the election of town officers under an article in the warrant for any annual or special meeting at which action is to be taken, and may rescind such action in like manner. If such ballot system is adopted by a town, the system shall not be in effect in said town until the town meeting next following the meeting at which such action is taken. In towns where this ballot system is in force, a plurality vote shall elect. The town clerk shall prepare the ballots and all candidates for office shall file their declarations of candidacy or petitions of nomination with the town clerk. The filing period shall be as follows:

I. In large towns, as defined pursuant to the provisions of RSA 59:73-a, no earlier than forty-five days before and no later than five o'clock in the evening of the third Monday next preceding the day of the election.

II. In all other towns, no earlier than thirty-five days before and no later than five o'clock in the evening of the second Monday next preceding the day of the election.

148:2 Change of Filing Dates. Amend RSA 59:74 (supp) as amended by 1965, 197:2 by striking out in line four the words "thirty-five" and inserting in place thereof the words (forty-five) and striking out in line four the word "seven" and inserting in place thereof the following (thirty) so that said section as amended shall read as follows:

59:74 Special Provisions. Where the Australian ballot system is in force at local elections a plurality shall elect, the city or town clerk shall prepare the ballot and nominations shall be filed with him no earlier than forty-five days and no later than thirty days before the election. The number of days herein given shall include Sunday and shall end on the day before election at five o'clock in the afternoon.

148:3 Effective Date. This act shall take effect sixty days after passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 149.

AN ACT RELATIVE TO THE TIME THE SCHOOL CENSUS SHALL BE TAKEN
AND REPEALING THE STATUTE DEALING WITH SCHOOL BOARDS VISITS
TO SCHOOLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

149:1 Dates for School Census. Amend RSA 189:38 by striking out in line six the word and numeral "September 10" and inserting in place thereof the words (September thirtieth); and by striking out in line seven the word and numeral "October 1" and inserting in place thereof the words (October thirty-first) so that said section as amended shall read as follows:

189:38 Enumeration of Children. Agents appointed by school boards of school districts shall annually make an enumeration of the children of

each sex from birth through eighteen years of age in each school district as of September first giving such items in regard to each child as may be required by the state board of education, and shall make a report thereof to the school board by September thirtieth. The school board shall make a report on the enumeration of children by October thirty-first to the state board of education.

149:2 Board Shall Furnish Registers. Amend RSA 189:27 (supp) as amended by 1967, 448:2 by striking out said section and inserting in place thereof the following:

189:27 Register. The school board shall furnish to the responsible person a supply of blank registers provided by the state board.

149:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 26, 1971.]

[Effective date July 25, 1971.]

CHAPTER 150.

AN ACT RELATIVE TO ANATOMICAL GIFTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

150:1 Number of Witnesses. Amend RSA 291-A:4, II (supp) as inserted by 1969, 345:1 by striking out in lines four and seven the word "three" and inserting in place thereof the word (two) so that said paragraph as amended shall read as follows:

II. A gift of all or part of the body under section 2 I may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

150:2 Number of Witnesses in Cases of Amendment or Revocation. Amend RSA 291-A:6, I, (b) (supp) as inserted by 1969, 345:1 by striking out said subparagraph and inserting in place thereof the following:

(b) an oral statement made in the presence of two witnesses and communicated to the donee, or

150:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 27, 1971.]

[Effective date July 26, 1971.]

CHAPTER 151.**AN ACT RELATIVE TO THE ELECTION OF CANDIDATES AND MEMBERSHIP
OF THE MASCOMA VALLEY REGIONAL SCHOOL DISTRICT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

151:1 Checklist of the Cooperative School District. Amend section 1 of chapter 378 of the Laws of 1963 by striking out said section and inserting in place thereof the following:

378:1 Cooperative School District. The supervisors of the towns of Enfield, Canaan, Dorchester, Grafton and Orange shall act as the supervisors of the cooperative school district. The effective checklist of each of said five towns shall together constitute the checklist of the cooperative school district. The supervisors shall act as ballot clerks.

151:2 Membership of the School Board. Amend section 2 of chapter 378 of the Laws of 1963 by striking out said section and inserting in place thereof the following:

378:2 Establishment of School Board. The cooperative school board shall consist of seven members. Five who shall be known as town members, one elected from each of the towns of Enfield, Canaan, Dorchester, Grafton and Orange, by the respective voters of each of said towns. Two who shall be known as at-large members and shall be one from the town of Enfield and one from the town of Canaan, to be elected by all the voters of the cooperative school district. The present members of the school board shall complete the terms of office to which they were elected, and thereafter their successors shall be elected for terms of three years.

151:3 Election of Candidates. Amend section 3 of chapter 378 of the Laws of 1963 by striking out said section and inserting in place thereof the following:

378:3 Election.

I. School board members and the moderator shall be elected at the annual town meetings of the towns of Enfield, Canaan, Dorchester, Grafton and Orange.

II. A candidate for town member of the school board shall file his nomination for the office with the town clerk in the town in which he resides and which he intends to represent, no earlier than thirty-five days and no later than seven days before the town meeting, and his name shall appear on the town ballot.

III. The school district shall elect its moderator and its at-large school board members in the town meetings of the towns making up the cooperative school district. Nominees for the office of moderator and at-large school board members shall file their nominations with the clerk of the school district no earlier than thirty-five days and no later than fifteen days before the town meeting. The clerk of the school district shall notify the clerks of each town in the district of the names of the persons who have filed their nominations no later than seven days before the town meeting. The clerks of each town shall in turn place the name of the candidates for the offices of moderator and at-large school board members on a separate ballot.

IV. Each town clerk shall certify to the clerk of the school district as to the number of votes each candidate received.

V. The candidate who receives the highest number of votes shall be elected to the office for which he is a candidate.

VI. School board members and the moderator shall take office on the first day of July following their election, upon filing their oaths of office with the clerk of the school district.

151:4 Referendum. The provisions of this act shall not take effect unless it is adopted as hereinafter provided. The clerk of the Mascoma Valley Regional school district shall prepare referendum ballots for use by the voters at the annual meeting of the Mascoma Valley Regional school district to be held in 1972 or at a special meeting of the Mascoma Valley Regional school district to be held prior to January 1, 1972, upon which shall be printed the question: "Shall the provisions of an act entitled 'An Act relative to the election of candidates and membership of the Mascoma Valley Regional School District' enacted by the 1971 session of the general court be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the moderator. The school district clerk shall forthwith certify the results to the respective town clerks; and the district clerk shall within ten days after said election certify to the secretary of state the result of the vote on said question.

151:5 Effective Date. Section 4 of this act shall take effect upon passage, and if the act shall be adopted by a majority vote of the qualified voters present and voting at a special meeting of the Mascoma Valley Regional school district to be held prior to January 1, 1972 or at an annual meeting of said school district to be held in 1972, the remainder of this act shall take effect on January 1, 1973.

[Approved May 27, 1971.]

[Effective date section 4 shall take effect upon passage and if act adopted at the referendum, remainder of this act shall take effect January 1, 1973.]

CHAPTER 152.

AN ACT RELATIVE TO RECREATIONAL ROADS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

152:1 Class III Recreational Roads. Amend RSA 231:6 (supp) as amended by 1957, 99:1, 162:1 and 193:1; 1961, 223:3 and 1965, 151:1 by adding at the end thereof the following: (The commissioner of the department of resources and economic development may make reasonable regulations for the control of vehicular traffic on those sections of class III highways which are located within state parks and reservations by means of personnel, signs, or temporary barricades.) so that said section as amended shall read as follows:

231:6 Class III Recreational Roads. The department of public works and highways shall assume full control of reconstruction and maintenance of roads designated by the department of resources and economic development and highway commissioner within the following state reservations and rights of way thereto, and such roads shall be known as recreational roads; Belknap State Reservation in the town of Gilford; the road from Route 114 at North Sutton village to and through Wadleigh State Park to the western boundary of said park on the lake front highway; Cathedral Ledge State Reservation in the towns of Conway and Bartlett; the Arethusa Falls road in the town of Hart's Location; Pillsbury State Reservation in the town of Washington; White Lake State Park in the town of Tamworth; Pawtuckaway State Reservation in the towns of Nottingham and Deerfield; Milan Hill State Park in the town of Milan; Cardigan State Reservation in the town of Orange; Kearsarge State Reservation in the town of Wilnot; Mt. Sunapee State Park in the town of Newbury; Rhododendron State Reservation in the town of Fitzwilliam; Bear Brook State Reservation in the towns of Deerfield, Hooksett, Allenstown and Candia; and the road formerly known as the Kearsarge Mountain Toll road in the town of Warner; extending from the Top of Tory Hill, so called, to its terminus near the summit of Kearsarge Mountain; and Monadnock State Forest Reservation in the town of Jaffrey, and the road to the beach development at Mt. Sunapee State Park in the town of Newbury; and the road from Route 116, so called, to Forest Lake State Park in the towns of Whitefield and Dalton; and state parks in the Hopkinton-Everett reservoir area in the towns of Dunbarton, Weare and Hopkinton; and the road from Route 156 to the entrance to Pawtuckaway State Park at Pawtuckaway Lake in the towns of Raymond and Nottingham which is to be constructed with other than highway funds. The cost of reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the department of resources and economic development over parking areas or other facilities within said reservations. The commissioner of the department of resources and economic development may make reasonable regulations for the control of vehicular traffic on those sections of class III highways which are located within state parks and reservations by means of personnel, signs, or temporary barricades.

152:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 27, 1971.]

[Effective date July 26, 1971.]

CHAPTER 153.

AN ACT LEGALIZING THE ANNUAL MEETING OF THE TOWN OF
GOFFSTOWN, MARCH 9, 1971.

Be it Enacted by the Senate and House of Representatives in General Court convened:

153:1 Proceedings Legalized. All votes and proceedings of the annual meeting held in the town of Goffstown on March 9, 1971 are hereby legalized, ratified and confirmed.

153: 2 Effective Date. This act shall take effect upon its passage.

[Approved May 27, 1971.]

[Effective date May 27, 1971.]

CHAPTER 154.

AN ACT TO INCREASE THE COMPENSATION OF THE BOARD OF HAIRDRESSERS, INCREASE FEES, AND ESTABLISH NEW LICENSING STANDARDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

154: 1 Increase Compensation for Board of Hairdressers. Amend RSA 314: 7 as amended by 1965, 308: 2 by striking out in line six the word "ten" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows:

314: 7 —Compensation of Board; Disposition of Revenue. The secretary shall receive and receipt for all fees received by the board and shall at the end of each month report to the comptroller the total amount of all money received from all sources and shall at the same time deposit with the treasurer the entire amount of said receipts. Each member of the said board shall receive twenty dollars a day while in attendance upon examinations or performing duties as said member and reasonable expenses while traveling in the performance of his duties. The compensation and expenses of the members of the board and the inspector shall be paid by the state treasurer upon the warrant of the governor, but the total expenditures for such purposes shall not exceed the total moneys received by the state treasurer under the provisions hereof.

154: 2 Scope and Contents of Examination Determined by the Board. Amend RSA 314: 8 by inserting in line four after the word "determine" the words (The scope and content of the examination shall be established by the board.) so that said section as amended shall read as follows:

314: 8 Examinations. The board shall hold examinations at least once in six months in such towns throughout the state as it may deem most convenient for applicants and at such additional times as it may from time to time determine. The scope and content of the examination shall be established by the board. The board shall notify all applicants at least ten days in advance as to the place, date and time of examinations, and publish notice of same in such form and places as said board may prescribe.

154: 3 Qualifications for a Hairdresser Instructor. Amend RSA 314: 13 as amended by 1957, 232: 1 by striking out in line thirty four the words "three years" and inserting in place thereof the words (one year) so that said section as amended shall read as follows:

314: 13 Approved Schools. No school of hairdressing in this state shall be approved by said board unless it has minimum requirements of a continuous course of study of fifteen hundred hours distributed over a period of not less than nine months, including practical demonstrations, written and oral tests, and theoretical and practical instruction in sanita-

tion, sterilization and the use of antiseptics and disinfectants, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of the board. Schools must provide a separate room for classwork and instruction and at least one separate room for supervised practice. Each school shall have in good working order all apparatus and equipment necessary for the full and ready teaching of all subjects included in the required curriculum. Schools must keep daily record of attendance and study of each student, of hours spent in each practical operation, and the number of tests given. A monthly report of such attendance, study, practice and hours, attested to be correct by the signature of both the student and instructor, shall be mailed to the board at the end of each month. All records of a student's progress in the school shall be open for inspection by members of the board at any time during class hours. All brushes, combs, towels, instruments, and applicators must be cleaned and disinfected by a method approved by the board's rules and regulations, after each use. All students must wear clean and washable uniforms during class hours. Suitable containers for soiled towels, brushes, combs, and other soiled instruments must be provided, and suitable containers must be supplied for freshly laundered towels, and air-tight cabinets for disinfected utensils. Floors must have washable coverings. No person shall be engaged to instruct in any of the branches of hairdressing, and cosmetology or manicuring as defined in this chapter unless approved and licensed as a hairdresser instructor by the board after having passed an examination as such instructor and having paid the required fee, except that occasional lecturers on specialized subjects shall not require such examination, approval or license. No person shall be approved and licensed as a hairdresser instructor unless (1) he shall have graduated from an approved high school or had an education equivalent thereto and (2) shall have completed at least one year of actual employment in a licensed shop.

154: 4 Increased Fee for Temporary Permit. Amend RSA 314: 17 by striking out in line five the word "ten" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows:

314: 17 Credit for Practical Experience. Any student or apprentice eligible to take examination for a license as a hairdresser or manicurist may apply to said board for a permit to operate temporarily as such pending the holding of such examination. Such application shall be accompanied with a payment of twenty dollars which shall be credited as the required examination fee. Thereupon, the board shall issue a permit to the applicant to engage temporarily in the practice of hairdressing or manicuring under the supervision of a licensed hairdresser and in a registered shop of this state. If, upon notice from the board, the applicant fails without just cause to take the examination, said permit shall terminate. If the applicant fails to pass the examination, the board in its discretion may grant a second temporary permit, under like conditions, which permit in all circumstances shall expire upon the holding of the next successive examination, unless just cause for failure to take the examination shall be shown to the satisfaction of the board. The work done by any student or apprentice under a temporary permit shall be credited by the board as practical experience hereinafter required relative to the issuance of a shop license.

154: 5 Increased Fee for Hairdresser. Amend RSA 314: 21 as amended by 1957, 7: 2 and 1965, 308: 3 by striking out in line eleven the figure "15.00" and inserting in place thereof the figure (20.00) so that said section as amended shall read as follows:

314:21 Fees. Except as herein otherwise provided, the fees established hereunder to be paid to said board shall be as follows:

Applicant	Original	Renewal
School	\$100.00	\$50.00
Shop (hairdresser) if application is made originally between April first and June thirtieth of any year	7.00	10.00
Shop (hairdresser)	10.00	10.00
Short-term Shop (hairdressing or manicuring)	5.00	5.00
Manicuring Shop	5.00	5.00
Hairdresser	20.00	5.00
Nonresident Hairdresser	25.00	5.00
Manicurist	15.00	5.00
Nonresident Manicurist	15.00	5.00
(After issuance of nonresident manicurist's license if applicant subsequently becomes a bona fide resident of this state) renewal fee		2.00
Examination, including original license:		
Hairdresser	15.00	5.00
Manicurist	15.00	5.00
Hairdresser Instructor	25.00	10.00
Shop Management	10.00	5.00
Demonstrators	10.00	5.00
Duplicate License	1.00	1.00
Apprentice License	5.00	2.00

154:6 Requirements for Renewal of Hairdresser Instructor License. Amend RSA 314:22 by inserting at the end thereof the following: (No license for hairdresser instructor shall be renewed unless the applicant certifies that he has attended fourteen hours of hairdresser training in the preceding twelve-month period.) so that said section as amended shall read as follows:

314:22 Expiration and Renewal of Licenses and Registration. Each license and registration issued hereunder shall expire on June thirtieth next succeeding its date of issuance but may be renewed upon application therefor and payment of the renewal fee at any time prior to July thirty-first after said expiration date. Any license or registration which has expired may be renewed at any time during the eleven months next following said July thirty-first upon payment of the renewal fee and an additional fee of three dollars. If the holder of any license or registration certificate fails to renew the same as hereinbefore provided he shall be required to pay the original license or registration fee in the event that he subsequently applies for the same within a period of five years after said expiration date. No license for hairdresser instructor shall be renewed unless the applicant certifies that he has attended fourteen hours of hairdresser training in the preceding twelve-month period.

154:7 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 27, 1971.]

[Effective date July 26, 1971.]

CHAPTER 155.

AN ACT RELATIVE TO THE PURCHASE OF WATERS OR LANDS BY THE
DIRECTOR OF FISH AND GAME, MAKING AN APPROPRIATION THERE-
FOR, AND RELATIVE TO MERRIMACK REARING STATION.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

155:1 Additional Appropriation. There is hereby appropriated to the fish and game department for the acquisition of land, waters or rights for the fiscal year 1970-71, in addition to any other sums appropriated for said purposes, the sum of two hundred and sixty six thousand and six hundred and sixty seven dollars as follows:

Acquisition of lands, waters or rights	266,667	
Less, federal funds	200,000	
		<hr/>
Net appropriation		66,667

The sum hereby appropriated shall be a charge against the fish and game fund and any funds not expended or encumbered on June 30, 1971, shall lapse.

155:2 New Facilities in Replacement of Merrimack Rearing Station. In the event the pending option for sale of the Merrimack Rearing Station and appurtenant land now under the jurisdiction of the fish and game department is exercised and the sale consummated, the funds received therefor shall be deposited with the state treasurer in the fish and game fund in a separate sub-account and shall be held by him for use by the fish and game department in the acquisition of land for and the construction of a new hatchery or rearing facilities in substitution for the property so sold. The director, subject to the approval of the governor and council, may expend the sum received in such sale, or so much thereof as may be necessary, for the purchase or acquisition of necessary lands or interests in land and the construction of necessary buildings, structures and other facilities in replacement of the said Merrimack Rearing Station; any other provision of law to the contrary notwithstanding.

155:3 Lapse Upon Completion. All funds held in such separate sub-account under section 2, for the purposes of said section, which remain unexpended upon the completion of construction of said new facilities and payment therefor, shall thereupon lapse into the fish and game fund.

155:4 Effective Date. This act shall take effect upon its passage.

[Approved June 2, 1971.]

[Effective date June 2, 1971.]

CHAPTER 156.

AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

156:1 Definition of Employing Unit. Amend RSA 282:1-F as amended by 1957, 313:1 by inserting in line two after the word "association" the words (joint venture) so that said subsection as amended shall read as follows:

F. "Employing unit" means any individual or type of organization, including any partnership, association, joint venture, trust, estate, joint-stock company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, or this state or any political subdivision or any instrumentality thereof, which has or subsequent to January 1, 1935, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work which is part of its usual trade, occupation, profession or business, individuals in the employ of such contractors or subcontractors shall be considered to be in the employ of the employing unit unless it shall be proven to the satisfaction of the commissioner of the department of employment security that such contracting is not for the purpose of avoiding the application of this chapter. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

156:2 Definition of Employer. Amend RSA 282:1, G(1) as amended by 1955, 141:1, by striking out said paragraph and inserting in place thereof the following:

(1) Any employing unit which:

(a) For some portion of a day in each of twenty different calendar weeks in either the current or preceding calendar year, whether or not such weeks are or were consecutive, has or had in employment within a calendar year one or more individuals, irrespective of whether the same individual was in employment in each such day, or

(b) In any calendar quarter in either the current or preceding calendar year caused gross wages for services in employment to be paid or payable in the amount of \$1,500 or more;

156:3 Employment Exclusion. Amend RSA 282:1, H(4)(d) (supp) as amended by 1967, 400:1; and 1969, 460:2, by striking out said subparagraph and inserting in place thereof the following:

(d) Service performed by an individual in the employ of his son, daughter, brother, sister, father, father-in-law, mother, mother-in-law, spouse, or the spouse of any of them or for a corporation fifty percent of

whose stock is held either individually or collectively by himself and/or any of them; notwithstanding the foregoing, this provision shall not apply where (i) a son or daughter over the age of twenty-one years is in the employ of his or her father or mother, or is in the employ of a corporation fifty percent or more of whose stock is owned by his or her father and/or mother and none of which is owned by the employee or the employee's spouse; and (ii) a brother or sister is in the employ of his or her brother and/or sister, or is in the employ of a corporation fifty percent or more of whose stock is owned by the brother and/or sister and none of which is owned by the employee or the employee's spouse.

156:4 Employment Exemption. Amend RSA 282:1, H(4)(g) as amended by 1957, 313:2, by striking out in line five the words "subsection C of" so that said subparagraph as amended shall read as follows:

(g) Service performed in the employ of any state other than this state or of any of the political subdivisions of such other state or of any instrumentality of such other state, or of any town, city or other political subdivision of this state unless such town, city or other political subdivision of this state elects to become subject under section 7 of this chapter;

156:5 Employment Exemption. Amend RSA 282:1, H(4)(h) by striking out said subparagraph and inserting in place thereof the following:

(h)(1) Service performed, in the employ of a school, college or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university, or by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university, and such employment will not be covered by any program of unemployment compensation;

(2) Service performed by an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

156:6 Employment Exemption. Amend RSA 282:1, H(4)(i) by striking out said subparagraph and inserting in place thereof the following:

(i) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital;

156:7 Repeal. RSA 282:1, H(4)(j), relative to "service performed in the employ of a cemetery company owned and operated exclusively for the benefit of its members or which is not operated for profit," is hereby repealed.

156:8 Repeal. RSA 282:1, H(4)(k), relative to "service performed in the employ of a business league, chamber of commerce, real estate board, or board of trade," is hereby repealed.

156:9 Coverage of State Employees. Amend RSA 282:1, H(4)(q) as inserted by 1957, 313:3, by adding at the end thereof the following: (except that this provision shall not apply to service performed by an individual in the employ of a state hospital and/or an institution of higher education;) so that said subparagraph as amended shall read as follows:

(q) Service performed for this state by any individual who is not a classified employee in the state classified service; except that this provision shall not apply to service performed by an individual in the employ of a state hospital and/or an institution of higher education;

156:10 Coverage of State Employees. Amend RSA 282:1, H(4)(r) as inserted by 1957, 313:3, by adding at the end thereof the following new sentence: (This provision shall not apply to service performed by an individual in the employ of a state hospital and/or an institution of higher education.) so that said subparagraph as amended shall read as follows:

(r) Service performed by seasonal or temporary classified employees as herein defined. Seasonal classification in the state employment classification system shall mean service in a position the need for which may be reasonably anticipated as likely to recur each year for a varying period of time. Temporary classification in the state employment classification system shall mean service of a qualified person to a position that is known to be of limited duration. This provision shall not apply to service performed by an individual in the employ of a state hospital and/or an institution of higher education.

156:11 Exempt Employment. Amend RSA 282:1, H(4) by inserting after subparagraph (r) the following new subparagraph:

(s) The following services performed in the employ of an organization described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code:

(1) in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) by a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) in the employ of a school which is not an institution of higher education; or

(4) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(6) for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

156:12 Definition of State. Amend RSA 282:1, L as amended by 1961, 88:3, by inserting at the end thereof the following: (Canada and Puerto Rico.) so that said subsection as amended shall read as follows:

L. "State" includes, in addition to the states of the United States of America, the District of Columbia, Canada and Puerto Rico.

156:13 Wages Affecting Benefits. Amend RSA 282:1, M(3) (supp) as amended by 1955, 141:5; 1961, 88:4; 1963, 194:1; 1967, 400:2; and 1969, 460:3, by striking out said paragraph and inserting in place thereof the following:

(3) For the purposes of paragraphs (1) and (2) above: The term "wages" shall include compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. Wages and/or earnings shall be deemed to have been received in such week or weeks in which earned, or, if not clearly identifiable, then for such week or weeks as the commissioner may find such can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of twenty percent, rounded to the nearest dollar, of his maximum weekly benefit amount. Wages and/or earnings shall be rounded to the nearest dollar. Benefits shall not be reduced in any part by any sum paid pursuant to an arbitration award, or any similar payment under any state or federal statute, or vacation pay paid subsequent to the vacation period where there was not entitlement to the vacation pay at the time of the employer's plant closing, or any retroactive payment made by reason of the establishment or adjustment of a piece or hourly rate, or pay for a New Hampshire legal holiday or any full day which management, under a contract or otherwise, observes as a so-called holiday with a general closing of its business, provided that the total number of paid legal holidays and paid so-called holidays does not exceed in a calendar year the total number of legal holidays, and with respect to such days as are not legal holidays section 3-C of this chapter shall not apply.

156:14 Annual Earnings. Amend RSA 282:1, O(2) (supp) as amended by 1961, 88:6; 1963, 194:2; and 1967, 400:3, by inserting at the end thereof the following: (based on a claim involving such an employer.) so that said paragraph as amended shall read as follows:

(2) "Annual earnings" shall be the wages, to the nearest dollar, earned during each base period from an employer by an individual in employment in New Hampshire, and an amount equivalent to the average weekly wage, as determined under the New Hampshire Workmen's Compensation statute, for each week that an individual has been found by either the labor commissioner or a court to be entitled to receive workmen's compensation based on a claim involving such an employer.

156:15 Definition of Employment. Amend RSA 282:1 by inserting after subsection R the following new subsection:

S. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States, except

in Canada or the Virgin Islands, after December 31, 1971 in the employ of an American employer, if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States, but

(a) the employer is an individual who is a resident of this state; or

(b) the employer is a corporation which is organized under the laws of this state; or

(c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria of paragraphs (1) and (2) of this subsection is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(4) An "American employer," for purposes of this subsection, means a person who is:

(a) an individual who is a resident of the United States; or

(b) a partnership if two-thirds or more of the partners are residents of the United States; or

(c) a trust, if all of the trustees are residents of the United States; or

(d) a corporation organized under the laws of the United States or of any state.

156:16 Definition of Employment. Amend RSA 282:1 by inserting after subsection S the following new subsection:

T. "Institution of higher education" means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other non-profit institution.

156:17 Unemployment Compensation Benefits. Amend RSA 282:2, B(1) (supp) as amended by 1955, 7:1; 1959, 28:1; 1961, 88:7 and 228:1; 1963, 194:3; 1965, 208:1; 1967, 400:4; and 1969, 460:4, by striking out said paragraph and inserting in place thereof the following:

(1) The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of two calendar quarters he must have earned not less than one hundred dollars, as follows:

<i>Annual Earnings of Not Less Than</i>	<i>Maximum Weekly Benefit Amount</i>	<i>Maximum Benefits</i>
\$ 600	\$14	\$ 364
900	17	442
1,200	21	546
1,500	23	598
1,700	26	676
2,000	30	780
2,300	33	858
2,600	36	936
2,800	39	1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	49	1,274
4,200	51	1,326
4,500	55	1,430
4,800	58	1,508
5,100	60	1,560
5,400	63	1,638
5,700	66	1,716
6,000	69	1,794
6,300	72	1,872
6,600	75	1,950

156:18 **State-Federal Extended Benefits.** Amend RSA 282:2 by inserting after subsection G the following new subsection:

H. STATE-FEDERAL EXTENDED BENEFIT PROGRAM.

(1) Definitions. As used in this subsection, unless the context clearly requires otherwise,

(a) "Extended benefit period" means a period which begins with the third week after whichever of the following weeks occurs first: (i) a week for which there is a national "on" indicator, or (ii) a week for which there is a N.H. "on" indicator; and ends with either of the following weeks, whichever occurs later: (iii) the third week after the first week for which there is both a national "off" indicator and a N.H. "off" indicator, or (iv) the thirteenth consecutive week of such period; Provided that no extended benefit period may begin by reason of a N.H. "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state. Provided further that no extended benefit period may become effective in this state prior to February 21, 1971, that within the period beginning on such date and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator respectively.

(b) There is a "national 'on' indicator" for a week if the U.S. Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded 4.5 percent.

(c) There is a "national 'off' indicator" for a week if the U.S. Secretary of Labor determines that for each of the three most recent

completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than 4.5 percent.

(d) There is a "N.H. 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the U.S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this chapter:

(1) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and

(2) equaled or exceeded 4 percent.

(e) There is a "N.H. 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the U.S. Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this chapter:

(1) was less than 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, or

(2) was less than 4 percent.

(f) "Rate of insured unemployment," for purposes of subparagraphs (d) and (e) of this paragraph, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the commissioner on the basis of his reports to the U.S. Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(g) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law, including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits and additional benefits.

(h) "Extended benefits" means benefits, including benefits payable to Federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(i) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(j) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(1) has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law, including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes such week; provided that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to annual earnings and/or employment that were not considered in the original

determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(2) his benefit year having expired prior to such week, has no, or insufficient, annual earnings on the basis of which he could establish a new benefit year that would include such week; and

(3) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other Federal laws as are specified in regulations issued by the U.S. Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(k) "State law" means the unemployment compensation law of any state, approved by the U.S. Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

(1) "Additional benefits" means benefits paid to exhaustees pursuant to Laws, 1971, chapter 2, for weeks of unemployment ending prior to February 21, 1971.

(2) Except when the result would be inconsistent with the other provisions of this subsection, as may be provided in the regulations of the commissioner, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(a) he is an "exhaustee" as defined in (1) (j) of this subsection, and

(b) he has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the last maximum weekly benefit amount applicable to his annual earnings class during the applicable benefit year.

(5) The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year, calculated on the benefit schedule applicable to him at the close of said year, shall be fifty percent of the total amount of regular benefits which were payable to him under this chapter during the applicable benefit year.

(6) Whenever an extended benefit period is to become effective in this state as a result of a N.H. or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of N.H. and national "off" indicators, the commissioner shall make an appropriate public announcement.

(7) Computations required by the provisions of (1) (f) of this subsection shall be made by the commissioner, in accordance with regulations prescribed by the U.S. Secretary of Labor.

(8) The commissioner is hereby authorized and directed to take such action as he deems in the best interests of the state to obtain that

share of the cost of those benefits paid under this subsection which P.L. 91-373 provides to be paid to the state by the federal government.

(9) In no event shall benefits payable under the laws of this state to any individual exceed with respect to any benefit year an amount equal to thirty-nine (39) times his maximum weekly benefit amount.

156:19 Benefit Ineligibility Condition. Amend RSA 282:3 by inserting after subsection E the following new subsection:

F. He is not seeking benefits for any week commencing during the period between two successive academic years, or, when the contract provides instead for a similar period between two regular but not successive terms during such period, if he has a contract to perform services in an instructional, research or principal administrative capacity for an institution of higher education, for both of such academic years or both of such terms.

156:20 Voluntary Leaving Disqualification Period Reduced. Amend RSA 282:4, A (supp) as amended by 1955, 141:9; 1957, 118:4; 1959, 28:2; 1965, 208:3; 1967, 75:1 and 400:8; and 1969, 460:6, by striking out said subsection and inserting in place thereof the following:

A. Until he has earned in each of three weeks wages in employment as defined in section 1-H, except 1-H(4)(f), (g) or wages earned in a like manner in another state, equal to his weekly benefit amount computed in accordance with section 1-M(3), provided that said work and earnings requirement shall no longer be required following the twenty-sixth week after the week in which the act occurs, subsequent to the date:

(1) He left his work voluntarily without good cause in accordance with rules and regulations of the commissioner. This subsection shall not apply and benefits shall be paid without regard thereto where an unemployed individual, not under a disqualification, accepts employment which would not have been deemed suitable work under subsection M of this section and terminates such employment within a period of not more than four (4) consecutive weeks of employment with or without good cause;

(a) In the case of a woman who is disqualified under paragraph (1) above for leaving her work due to pregnancy, the three-week work-and-earning requirement in the first paragraph of this subsection shall be one week.

(2) He was discharged for misconduct connected with his work, if so found by the commissioner.

156:21 Disqualification for Use of Drugs and Alcohol. Amend RSA 282:4, C as amended by 1955, 141:9, by striking out said subsection and inserting in place thereof the following:

C. It is further provided that an unemployed individual who has been discharged for intoxication or use of controlled drugs as defined in RSA 318-B, VI of such degree and rate of occurrence as to seriously hamper or interfere with the individual's work, shall be disqualified for benefits and such disqualification shall continue for not less than four weeks nor more than twenty-six weeks from the date of the discharge, as may be determined by the commissioner.

156:22 Disqualification Earnings Requirement. Amend RSA 282:4, J (supp) as amended by 1955, 141:9; and 1967, 75:2, by striking out said subsection and inserting in place thereof the following:

J. For the eight weeks immediately preceding the week of expected date of childbirth as certified by a legally licensed physician, and thereafter until she earns in one week wages in employment as defined under section 1-H, except 1-H(4)(f), (g) or wages earned in a like manner in another state, equal to her weekly benefit amount computed in accordance with section 1-M(3).

156:23 Appeals to Court. Amend RSA 282:5, G(5) (supp) as amended by 1955, 141:11; 1961, 88:16 and 1969, 460:10, by striking out said paragraph and inserting in place thereof the following:

(5) Any interested party aggrieved by any decision in proceedings under section 14-D of this chapter may appeal to superior court in the manner provided in section 5-G(3) of this chapter.

156:24 Taxable Wages. Amend RSA 282:6, A as amended by 1961, 88:17, by striking out said subsection and inserting in place thereof the following:

A. PAYMENT OF CONTRIBUTIONS. Contributions shall accrue and become payable by each employer for each calendar year, in which he is subject to this chapter, in an amount equal to 2.7 per centum, except as otherwise provided in subsection D of this section, of the wages paid for employment during such calendar year, provided that contributions on account of wages in excess of four thousand two hundred dollars which have been paid to an individual in any calendar year shall be paid only so long as such contributions may be credited by any employer against the tax imposed by the Federal Unemployment Tax Act, as amended. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such regulations as the commissioner of the department of employment security may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this subsection, the term wages shall include service subject to contribution under any employment security law of another state.

Notwithstanding this subsection, any organization or group of organizations, described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code, which becomes an employer under this act, may elect either to reimburse in the manner provided for the state in section 6, A-1 of this chapter, or to pay contributions as hereinabove provided; but such election shall be irrevocable for two calendar years. Any group of two or more employers which elects under the provisions of this paragraph to pool their separate accounts shall be required to do so under such regulations as may be promulgated by the commissioner, including appropriate bonding and fiscal safeguard requirements.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent.

156:25 Payment of Unemployment Compensation to State Employees. Amend RSA 282:6, A-1 as inserted by 1957, 313:4 by striking out said subsection and inserting in place thereof the following:

A-1. PAYMENT OF CONTRIBUTIONS BY STATE. All other provisions of this chapter to the contrary notwithstanding, the liability of this state for benefits paid shall be as follows: In lieu of contributions required of other employers subject to this chapter the state shall pay into the unemployment compensation fund an amount equivalent to the amount of regular benefits and one-half the amount of extended benefits paid to claimants who during the applicable period were paid wages by this state. If a claimant during such base period was employed by this state and by other employers subject to the provisions of this chapter, the amount to be paid into the unemployment compensation fund by this state with respect to such claimant shall be the amount of benefits received by the claimant which are in addition to such amount as the claimant was entitled to receive on the basis of the wages paid to such claimant by such other employers. The amount of payments required under this section to be made into the fund shall be ascertained by the commissioner of the department of employment security as soon as practicable after the end of each calendar month and shall, except as provided hereafter, be paid by the comptroller from funds appropriated therefor, provided that if said appropriation is not sufficient to make all such payments or no appropriation is made therefor they shall, upon warrant by the governor, be paid from the general funds of the state, out of any money not otherwise appropriated. If a claimant to whom benefits were paid was paid wages by the state during the base period from a special administrative fund provided for by law, into which monies, in addition to, or other than from the state treasury, are placed, the payment into the unemployment compensation fund shall be made from such special administrative fund in the regular manner provided for disbursing such money. The payment by the state into the unemployment compensation fund shall be made at such times and in such manner as the commissioner of the department of employment security, with the approval of the state comptroller, may determine and prescribe. As to a hospital operated by the state, or a state institution of higher education as otherwise defined in this chapter, an election may be made for the period January 1, 1972 through December 31, 1974 either to reimburse as hereinabove provided or to pay contributions as provided in section 6 of this chapter; as of January 1, 1975 the method of payment shall be by reimbursement as hereinabove provided.

156:26 Charge One-half of State-Federal Extended Benefits to Employer's Separate Account. Amend RSA 282: 6, C(1) as amended by 1955, 141: 12; and 1961, 88: 19, by striking out said paragraph and inserting in place thereof the following:

(1) The commissioner shall maintain a separate account for each employer and shall credit his account with all contributions timely paid by him or on his behalf but nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund, either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of the claimant's most recent employer, including one-half of such benefits as are paid to an individual under section 2-H of this chapter. Such benefits as may be paid under section 2-H of this chapter to an eligible individual based upon annual earnings from an employer identified under paragraphs A-1 and A-2 of this section, and from such employer as identified in section 1-H(4)(s) of this chapter, as may

have elected to reimburse rather than to pay contributions shall be reimbursed to the fund in an amount equal to one-half of such benefits prorated where applicable under section 6-A-3 of this chapter.

156: 27 Annual Payroll Required. Amend RSA 282: 6, D(3) (c) (supp) as amended by 1955, 7: 3 and 141: 13; and 1969, 460: 12, by striking out said subparagraph and inserting in place thereof the following:

(c) It is further provided that no rate of less than 2.7 per centum shall be allowed in any case unless such employer had an annual payroll for the calendar year immediately preceding the computation date.

156: 28 Experience Election. Amend RSA 282: 6, D(11) (supp) as amended by 1965, 208: 9; and 1969, 460: 17, by striking out said paragraph and inserting in place thereof the following:

(11) Notwithstanding any other provision of this chapter, an employer whose contribution rate is determined to be 3.5 per centum or more may, on or before a computation date, elect to have his contribution rate thereafter computed on each computation date solely on the then most recent five calendar years' experience. Such election by an employer shall be irrevocable. Provided, that in the event of such election, no rate shall be assigned lower than 2.7 per centum at any time thereafter.

156: 29 Contribution Rate. Amend RSA 282: 6, D by inserting after paragraph (14) the following new paragraph:

(15) No employer assigned a rate under paragraph (10) hereof shall be entitled to any such rate reductions occasioned by fund balances as are provided in subsection D of this section.

156: 30 Mandatory Approval of Voluntary Coverage Applications. Amend RSA 282: 7 by inserting after subsection C the following new subsection:

D. The commissioner shall allow voluntary coverage with respect to services performed in all hospitals or institutions of higher education as defined in this chapter, operated by any political subdivision of the state. Any political subdivision electing coverage under this subsection shall make payments in lieu of contributions with respect to benefits attributable to such employment.

156: 31 Wage Combining Plan Authority. Amend RSA 282: 16 by inserting after subsection C the following new subsection:

D. The commissioner shall participate in any arrangements for the payment of unemployment compensation on the basis of combining an individual's wages and employment covered under this chapter with his wages and employment covered under the unemployment compensation laws of other states and/or the United States of America which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of unemployment compensation in such situations, and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws or a federal unemployment compensation law, and avoiding duplicate use of wages and employment by reason of such combining.

156:32 Advisory Council on Unemployment Compensation to Study Allowances for Dependents. Due to the lack of data and information available at this time, the advisory council on unemployment compensation is hereby directed to continue its study of the feasibility of paying, in addition to unemployment compensation, to certain unemployed, allowances with respect to dependents, under RSA 282.

156:33 Repeal. Laws of 1971, 2 providing additional unemployment benefits is hereby repealed and benefits paid thereunder after February 20, 1971 shall be deemed paid under sections 18 and 28 of this act.

156:34 Appropriation. There is hereby appropriated to the comptroller to make payments to the unemployment compensation fund pursuant to the provisions of RSA 282:6, A-1 the sum of forty thousand dollars for fiscal 1971-72, which shall not lapse until June 30, 1973 and forty thousand dollars for fiscal 1972-73. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

156:35 Repeal. RSA 282:3, D (supp) as amended by 1969, 460:5, relative to waiting period prior to the payment of benefits, is hereby repealed.

156:36 Waiting Period Requirement Removed. Amend the unnumbered opening paragraph of RSA 282:4 as amended by 1955, 141:9, by striking out all after the word "benefits" in line two, so that said paragraph as amended shall read as follows: An individual shall be disqualified for benefits:

156:37 Eligibility. Amend RSA 282:4, M (supp) as inserted by 1967, 400:9 by adding at the end thereof the following new paragraph:

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282:3-C shall be waived.

156:38 Effective Date. The sections of this act shall take effect as follows:

- I. On February 6, 1971 sections 18, 26 and 32;
- II. On February 20, 1971 section 33;
- III. On April 1, 1971 sections 1, 3, 4, 13, 14, 17, 19, 20, 21, 22, 23, 27, 28, 29, 31, 35, 36 and 37;
- IV. On July 1, 1971 section 34;
- V. On January 1, 1972 sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 24, 25 and 30.

[Approved June 4, 1971.]

[Effective Date. The sections of this act shall take effect as follows:

- I. On February 6, 1971 sections 18, 26 and 32;
- II. On February 20, 1971 section 33;
- III. On April 1, 1971 sections 1, 3, 4, 13, 14, 17, 19, 20, 21, 22, 23, 27, 28, 29, 31, 35, 36 and 37;
- IV. On July 1, 1971 section 34;
- V. On January 1, 1972 sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 24, 25 and 30.]

CHAPTER 157.

AN ACT RELATIVE TO PROHIBITION OF CERTAIN VEHICLES WITHIN
HIGHWAY RIGHTS-OF-WAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

157:1 Operation of Vehicles in Certain Areas Prohibited. Amend RSA 249 by inserting after section 51 the following new subdivision:

Operation of Certain Vehicles [New]

249:52 Prohibition of Certain Vehicles Within Highway Rights-of-Way.

I. No person shall operate a motorbike, motorcycle, trailbike, all terrain vehicle, including four-wheel drive vehicles or other motorized two or three wheeled trail type vehicle and track type vehicles within or upon the rights-of-way adjacent to the travelled way of the interstate highway system, toll roads, or limited access highways of this state.

II. It shall be unlawful for any person to operate a motorbike, motorcycle, trailbike, all terrain vehicle, including four-wheel drive vehicles or other motorized two or three wheeled trail type vehicle and track type vehicles within or upon highway easements or rights-of-way adjacent to the travelled way of any class I or class III highway or state maintained portion of any class II highway with the following exceptions:

(a) **EMERGENCY.** In the event of an emergency, a person may operate one of the above motor vehicles in the right-of-way portion of such public highways provided, however, that an unregistered vehicle shall not be operated on the main travelled portion and paved shoulders of said highway.

(b) **ADJACENT TO PUBLIC HIGHWAYS.** Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where one of the above vehicles is to be operated, said vehicle may be operated within the right-of-way adjacent and parallel to such public highway over the shortest practical distance for the purpose of gaining access to the area of operation. This paragraph shall also apply to the operation of such vehicles to the point where the same are unloaded, from motorized conveyance to the area where the vehicle is to be operated, or from the area where operated to a motorized conveyance when such loading and unloading can not be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said highway. Such loading or unloading must be accomplished with due regard to safety at the nearest possible point to the area of operation.

(c) **CROSSING HIGHWAYS.** In crossing public highways, properly registered motorbikes, motorcycles, trailbikes, all terrain vehicles, including four-wheel drive vehicles or other motorized two or three wheeled trail type vehicles and track type vehicles may cross the rights-of-way adjacent to the public highway as directly as possible, preferably at right angles provided that such crossing can be made in safety and does not interfere with the free movement of vehicular traffic approaching from either direction on such public highways. It shall be the responsibility of the operator of such vehicles to yield the right-of-way to all vehicular traffic upon any such way before crossing same.

249: 53 Penalty. Whoever violates the provisions of RSA 249: 52 shall be fined not more than one hundred dollars and, in addition, shall be liable for the cost of restoration of damages to the easement or right-of-way.

157: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 158.

AN ACT AUTHORIZING TOWN TREASURERS TO DEPOSIT MONEYS IN INSURED SAVINGS ACCOUNTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

158: 1 Deposit in Insured Savings Accounts. Amend RSA 41: 29 (supp) as amended by 1959, 197: 3 by inserting at the end thereof the following: (or in insured savings accounts of solvent banks in the state, except that said excess funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations in value at least equal to the amount of the deposit in each case) so that said section as amended shall read as follows:

41: 29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen. He shall deposit the same in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he may with the approval of the selectmen invest the same in short term obligations of the United States, or in insured savings accounts of solvent banks in the state, except that said excess funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations in value at least equal to the amount of the deposit in each case.

158: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 159.

AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR INDEPENDENCE DAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

159:1 Expenditure Authorized. Amend RSA 31:4 by inserting after paragraph XLIII the following new paragraph:

XLIV. INDEPENDENCE DAY. To expend town funds for the celebration of Independence Day.

159:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 160.

AN ACT TO PROVIDE FOR HISTORIC DISTRICTS IN TOWNS WITHOUT ZONING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

160:1 Towns Without Zoning. Amend RSA 31:89-k (supp) as inserted by 1969, 169:1 by striking out said section and inserting in place thereof the following new section:

31:89-k Enforcement by Historic District Commission. In municipalities which have established one or more historic districts pursuant to this subdivision, but which have no local zoning ordinances, the historic district commission shall have within the bounds of the historic district all the authority, powers and duties prescribed in this chapter for planning boards and zoning commissions insofar as such authority, powers and duties are within the intent of this subdivision. In such municipalities the requirement of conformity with the local zoning ordinance, as provided in RSA 31:89-b, shall not apply. In municipalities which do not have a planning board, the requirements of RSA 31:89-b and 89-f relating to conformity with the comprehensive plan and the requirement of RSA 31:89-d that one member of the commission be a planning board member shall not apply. In municipalities which do not have a building inspector, the certificate of approval of the commission, as provided in RSA 31:89-f, shall be the equivalent of a building permit. In municipalities which do not have a zoning board of adjustment, motions for rehearing and appeals from decisions of the historic district commission shall be governed by the provisions of RSA 31:74 through 87, insofar as applicable.

160:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 161.

AN ACT CLARIFYING THE LAW RELATIVE TO THE BOARD OF TRUSTEES OF
NEW HAMPSHIRE COLLEGES AND PROVIDING FOR A STUDENT MEMBER
THEREOF.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

161:1 Appointment of Student Trustee. Amend RSA 187:5 (supp) as amended by 1963, 303:3 and 1965, 107:1 by striking out said section and inserting in place thereof the following:

187:5 Of Colleges and University. The general government of the New Hampshire college of agriculture and the mechanic arts of the university of New Hampshire, of the Plymouth state college and of the Keene state college shall be vested in a single board of twenty-four trustees composed as follows and in accordance with the following conditions:

I. Six ex-officio members namely; the governor of the state, the commissioner of agriculture, the commissioner of education, the president of the university, the president of Plymouth state college and the president of Keene state college;

II. Eleven members appointed by the governor with the advice and consent of the council;

III. One member appointed by the governor with the advice and consent of the council who shall be a student enrolled at the New Hampshire college of agriculture and the mechanic arts of the university of New Hampshire, Plymouth state college or Keene state college for a term co-extensive with his continued enrollment as a student at any of said institutions;

IV. Four members, at least one of whom shall be a resident of this state, elected by the alumni of the New Hampshire college of agriculture and the mechanic arts of the university of New Hampshire provided that no such trustee may be elected to more than two successive terms;

V. One member elected by the alumni of Keene state college;

VI. One member elected by the alumni of Plymouth state college;

VII. The terms of office of the appointed and elected members, except the student member appointed pursuant to paragraph III, shall be four years;

VIII. The terms of the elected members shall end on June thirtieth;

IX. Each member, except the student member provided for by paragraph III, shall hold office until his successor is appointed and qualified;

X. The appointment of successors or filling of vacancies for unexpired terms shall be by appointment or election in the same manner as provided above;

XI. At all times, two members of said board shall be farmers;

XII. Trustees may be men or women;

XIII. Both major political parties shall be represented on said board.

161:2 Organization and Compensation of Board. Amend RSA 187 by inserting after section 5 the following new section:

187:5-a [New] Chairman, Meetings, Quorum, Compensation.

I. The board shall elect its own chairman annually.

II. The board shall meet at such times and places as it may determine but shall hold at least one meeting each year at Keene state college and one at Plymouth state college.

III. The chairman shall call special meetings upon the written request of any five members or on his own motion.

IV. Twelve members shall constitute a quorum for the transaction of business but not less than fourteen affirmative votes shall be required to elect a college or university president.

V. Members shall receive no compensation for their services but shall be reimbursed for expenses reasonably incurred by them in the performance of their duties.

161:3 Terms of July 1, 1971 Appointees. Notwithstanding any provisions of RSA 187 to the contrary, the members of the board of trustees of the University of New Hampshire who are appointed by the governor to fill the six vacancies occurring because of the ending of the terms of office of six members on June 30, 1971, shall be appointed by him as follows:

I. Three for a term expiring June 30, 1975;

II. One for a term expiring June 30, 1976;

III. One for a term expiring June 30, 1977; and

IV. One as the student member provided for by RSA 187:5, III.

161:4 Effective Date. This act shall take effect July 1, 1971.

[Approved June 4, 1971.]

[Effective date July 1, 1971.]

CHAPTER 162.

JOINT RESOLUTION PROVIDING FOR TAKING THE SENSE OF THE LEGAL VOTERS OF THE STATE ON THE QUESTION OF CALLING A CONSTITUTIONAL CONVENTION.

*Resolved by the Senate and House of Representatives in General Court
convened:*

That the secretary of state is hereby directed to insert on the official ballots for the biennial election to be held in November 1972, the following question: "Shall there be a convention to amend or revise the constitution?" The clerks of the several cities and towns of the state are directed to make due return of the votes taken in their respective cities and towns on the before mentioned question to the secretary of state. The secretary of state is hereby directed to make a complete return to the 1973 session of the general court of the number of ballots for and against the necessity of calling a constitutional convention.

[Approved June 4, 1971.]

CHAPTER 163.

AN ACT PROVIDING STANDARDS FOR THE MARKETING OF MAPLE SYRUP
AND AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO
ENFORCE THESE STANDARDS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

163:1 New Chapter. Amend RSA by inserting after chapter 342 the following new chapter:

CHAPTER 342-A [NEW]

GRADING, MARKING AND SALE OF MAPLE SYRUP

342-A:1 Definitions. Terms used in this chapter shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Maple syrup" means syrup made from pure maple sap and intended for human consumption or for use in the manufacture of maple products.

II. "Person" means any individual, firm, partnership, corporation, association, cooperative or business trust.

III. "Grade" or "Grades" shall mean the standards for maple syrup:

(a) Established by the commissioner of agriculture as the official grades for maple syrup produced in the state of New Hampshire as provided in RSA 428:1;

(b) Established by the United States Department of Agriculture; or

(c) Established by the laws of some other state if the maple syrup was produced in whole or in part in such other state.

342-A:2 Markings. Every container of maple syrup produced for sale, kept for sale, sold, offered, or exposed for sale within the state shall be plainly and conspicuously marked as to the grade, net contents, and name and address of packer or distributor.

342-A:3 Advertising. Any person who uses a roadside sign within the state or uses a publication printed for use within the state for the purpose of advertising maple syrup and quotes a price therein shall include the grade of the syrup marked in a plain and conspicuous manner.

342-A:4 Rules and Regulations. The commissioner of agriculture shall have general authority to administer this chapter and shall make and may modify uniform rules and regulations for carrying out its provisions. He shall in person or by his deputy or agent have free access at all reasonable hours to any place, building, or vehicle in which maple syrup is sold, offered, or exposed for sale, or exchanged or distributed at retail, or wholesale. He shall also have power in person or by his deputy or agent to open any package or container, and may upon tendering the market price take such container and its contents or sample therefrom.

342-A:5 Hearings. When the commissioner of agriculture learns of any violation of any of the provisions hereof, he shall cause notice of such violations, together with the copy of his findings, to be given the person

or persons concerned. Persons so notified may be given a hearing under rules and regulations prescribed by the commissioner. Notice of such hearing shall declare the date, hour and place of hearing.

342-A: 6 Penalty. Any person violating any of the provisions of this chapter shall be fined not more than fifty dollars for the first offense and for each subsequent offense not more than two hundred dollars.

342-A: 7 Interpretation. Nothing in this chapter shall be construed as interfering with the powers of the department of health and welfare, division of public health services, or with statutes relating to public health and sanitary inspection, production and distribution of food.

163: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 164.

AN ACT PROVIDING FOR VOLUNTEER PROBATION COUNSELLORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

164: 1 Volunteer Probation Counsellors. Amend RSA 504 by inserting after section 18 the following new section:

504: 19 [New] Volunteer Counsellors. The director shall have the right, subject to regulation by the board, to appoint qualified volunteer sponsors, to assist probation officers in the supervision, guidance and rehabilitation of persons on probation. The volunteer sponsors shall be subject to regulations promulgated by the director, shall keep confidential all information in their possession relative to persons on probation, and shall serve without compensation.

164: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 165.

AN ACT INCREASING THE AUTHORIZED DEBT LIMIT OF THE PELHAM SCHOOL DISTRICT AND THE WINDHAM SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

165: 1 Pelham School District. Notwithstanding the provisions of RSA 33: 4-a the Pelham school district may incur net indebtedness to an

amount at any one time outstanding not exceeding twelve percent of its valuation determined pursuant to RSA 33: 4-b.

165: 2 Windham School District. Notwithstanding the provisions of RSA 33: 4-a the Windham school district may incur net indebtedness to an amount at any one time outstanding not exceeding twelve percent of its valuation determined pursuant to RSA 33: 4-b.

165: 3 Effective Date. This act shall take effect upon its passage.

[Approved June 4, 1971.]

[Effective date June 4, 1971.]

CHAPTER 166.

AN ACT RELATIVE TO THE USE OF CREDIT UNION FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

166: 1 Investment of Funds. Amend RSA 394: 17 as amended by 1955, 213: 1; 1959, 88: 1; 1963, 306: 5; 1965, 165: 1 and 1967, 61: 1 by striking out said section and inserting in place thereof the following:

394: 17 Use of Funds. While awaiting call of its members for loans, a credit union may make use of its funds as described in and according to the limitations of the following paragraphs:

I. It may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association or national bank in New England that is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Corporation;

II. By a majority vote of its board of directors, it may invest up to the insured amount in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in the United States that is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Corporation;

III. By a majority vote of its board of directors, it may make loans to other credit unions chartered under the laws of this state or federal chartered credit unions located in this state, providing that the lending credit union has assets of one hundred thousand dollars or more;

IV. It may invest any surplus funds in obligations of the United States Government to include any loans included in the Participation Sales Act of 1966, Public Law 89-429, 80 Stat. 164, or of the state, or of any county, city or town of the state issued pursuant to authority of law;

V. It may invest in securities, obligations, participations, or other instruments of or issued by or fully guaranteed as to principal and interest by the United States or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

VI. Any credit union with assets of three million dollars or more may purchase real estate mortgages secured by real estate wherever situate which are guaranteed by the federal housing administration and may

purchase real estate mortgages secured by real estate in this state and in any state which are guaranteed by the United States government through the insured loan program of the farmer's home administration. It may be an originator or participating lender in participating loans as defined in RSA 387: 1, provided that its participation in such loans shall be within such limits as are prescribed in RSA 394: 16.

166: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 167.

AN ACT RELATIVE TO UNPAID RENT FOR SAFE DEPOSIT BOXES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

167: 1 Time After Which Action May Be Taken. Amend RSA 385: 1 by striking out in line four the words "two years" and inserting in place thereof the words (six months) so that said section as amended shall read as follows:

385: 1 Rent Unpaid, Procedure. If the amount due for the rent or use of a box or safe in the vaults of a domestic corporation authorized to engage in the business of letting vaults, safes, and other receptacles shall not have been paid for six months, such corporation may cause to be mailed, postpaid, to the person in whose name such safe or box stands upon the books of such corporation and at his address as stated on said books, a notice stating that if the amount then due for the use or rent of such safe or box shall not be paid within sixty days from the date of such notice such corporation will cause the safe or box to be opened in the presence of its president, treasurer, or superintendent and of a notary public, and the contents thereof, if any, to be sealed up in a package and placed in one of the storage vaults of such corporation.

167: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 168.

AN ACT RELATIVE TO UNFAIR SALES PRACTICES AND THE ENFORCEMENT OF THE UNFAIR SALES ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

168: 1 Attorney General to Enforce. Amend RSA 358: 4 by striking out the section and inserting in place thereof the following:

358: 4 Superior Court Jurisdiction. Upon complaint of any person to the attorney general and upon a finding by him that the complaint has merit, the attorney general shall bring action in the name of the state to enforce, and restrain the violation of, this chapter. Said action shall be brought in the superior court which shall have jurisdiction to restrain and enjoin any act forbidden or declared illegal by any provision of this chapter.

168: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 4, 1971.]

[Effective date August 3, 1971.]

CHAPTER 169.

AN ACT RELATIVE TO THE FEES CHARGED IN THE REGISTRY OF DEEDS
OF CARROLL COUNTY.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

169: 1 Register of Deeds. Amend RSA 478 by inserting after section 17-e the following new section:

478: 17-f [New] Fees. The registrar of deeds of Carroll county shall charge the following fees for documents recorded in, or services rendered by his office.

I. For recording deeds, mortgages, leases, agreements, attachments, and like documents, three dollars for the first recorded page plus two dollars each for the next two recorded pages, plus one dollar for each additional page or portion thereof in excess of three pages. However, if the instrument contains the names of more than four grantors or grantees in any combination, an additional fee of fifty cents shall be charged for indexing the names of each additional grantor or grantee.

II. For recording discharge or real estate attachment or marginal assignment, three dollars; for release or discharge of the same, two dollars.

III. For each transfer furnished pursuant to section 14 of this chapter, fifty cents.

IV. For discharging mortgage or assignment, two dollars.

V. For other documents, including but not limited to sales agreements, restrictions, covenants and easements, not otherwise provided for in this section, three dollars for the first recorded page, plus one dollar for each additional page. Documents covered under RSA 382-A are exempt from the provisions of this section.

VI. For recording plans not in excess of twenty-four inches by thirty-six inches, three dollars. However, if the plan contains the names of more than four grantors or grantees in any combination, an additional fee of fifty cents shall be charged for indexing the names of each additional grantor or grantee.

VII. For copying any document the price to be established and posted by the registrar of deeds.

VIII. For examining the records at the request of any person, the price to be established and posted by the registrar of deeds.

169:2 Effective Date. This act shall take effect upon its passage.

[Approved June 8, 1971.]

[Effective date June 8, 1971.]

CHAPTER 170.

AN ACT RELATIVE TO UNAUTHORIZED INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

170:1 Exclusion from Insurance Business Clarified. Amend RSA 406-B:2, II(d) (supp) as inserted by 1967, 237:1, by inserting in line three after the word "reported" the words (and on which premium tax is paid) so that said paragraph, as amended, shall read as follows:

(d) Transactions involving contracts of insurance independently procured through negotiations occurring entirely outside of this state which are reported and on which premium tax is paid in accordance with section 12.

170:2 Collection of Premiums. Amend RSA 406-B:3 as inserted by 1967, 237:1 by adding at the end thereof the following new sentence (In respect to the insurance of subjects resident, located or to be performed within this state this subsection shall not prohibit the collection of premium or other acts performed outside of this state by persons or insurers authorized to do business in this state provided such transactions and insurance contracts otherwise comply with statute) so that said section as amended shall read as follows:

406-B:3 Unauthorized Insurance Prohibited. No person or insurer shall directly or indirectly do any of the acts of an insurance business set forth in section 2 except as provided by and in accordance with the specific authorization of statute. In respect to the insurance of subjects resident, located or to be performed within this state this subsection shall not prohibit the collection of premium or other acts performed outside of this state by persons or insurers authorized to do business in this state provided such transactions and insurance contracts otherwise comply with statute.

170:3 Validity of Certain Contracts. Amend RSA 406-B:8, I (supp) as inserted by 1967, 237:1 and amended by 1969, 260:4 by inserting in line three after the word "reported" the words (and on which premium tax is paid) so that said paragraph as amended shall read as follows:

406-B:8 Validity of Insurance Contracts.

I. Except for lawfully procured surplus lines insurance and contracts of insurance independently procured, through negotiations occurring entirely outside of this state which are reported and on which premium tax is paid in accordance with section 12, any contract of insurance effective in this state and entered into by an unauthorized insurer is unenforceable by such insurer. In event of failure of any such unauthorized insurer to pay any

claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount thereof pursuant to the provisions of such insurance contract.

170:4 Premium Tax Revised. Amend RSA 406-B: 11, I as inserted by 1967, 237: 1 by striking out said paragraph and inserting in its place the following:

406-B: 11 Unauthorized Insurance Premium Tax.

I. Except as to premiums on lawfully procured surplus lines insurance and premiums on unauthorized insurance procured by industrial insurers on which a tax has been paid pursuant to RSA 406-B: 2, II(g) and premiums on independently procured insurance on which a tax has been paid pursuant to RSA 406-B: 12, every unauthorized insurer shall pay to the commissioner before March first next succeeding the calendar year in which the insurance was so effectuated, continued or renewed a premium receipts tax of four per cent of gross premiums charged for such insurance other than marine insurance and a premium receipts tax of two per cent of gross premiums charged for such marine insurance on subjects resident, located or to be performed in this state. Such insurance on subjects resident, located or to be performed in this state procured through negotiations or an application, in whole or in part occurring or made within or from within or outside of this state, or for which premiums in whole or in part are remitted directly or indirectly from within or outside of this state, shall be deemed to be insurance procured, or continued or renewed in this state. The term "premium" includes all premiums, membership fees, assessments, dues, and any other consideration for insurance. Such tax shall be in lieu of all taxes and fire department dues. On default of any such unauthorized insurer in the payment of such tax the insured shall pay the tax. If the tax prescribed by this subsection is not paid within the time stated, the tax shall be increased by a penalty of twenty-five per cent and by the amount of an additional penalty computed at the rate of one per cent per month or any part thereof from the date such payment was due to the date paid.

170:5 Unauthorized Insurance. Amend RSA 406-B: 12 as inserted by 1967, 237: 1 by striking out said section and inserting in its place the following:

406-B: 12 Independently Procured Insurance.

I. Every insured who procures or causes to be procured or continues or renews insurance with any unauthorized insurer, or any insured or self-insurer who so procures or continues excess loss, catastrophe or other insurance, upon a subject of insurance resident, located or to be performed within this state, other than insurance procured through a surplus lines agent pursuant to the surplus lines law of this state shall within sixty days after the date such insurance was so procured, continued, or renewed, file a report of the same with the commissioner in writing and upon forms designated by the commissioner and furnished to such an insured upon request. The report shall show the name and address of the insured or insureds, name and address of the insurer, the subject of the insurance, a general description of the coverage, the amount of premium correctly charged therefor, and such additional pertinent information as is reasonably requested by the commissioner.

II. Any insurance in an unauthorized insurer of a subject of insurance resident, located or to be performed within this state procured through negotiations or an application, in whole or in part occurring or made within or from within or outside of this state, shall be deemed to be insurance procured, or continued or renewed in this state within the intent of paragraph I.

III. There is hereby levied upon the obligation, chose in action, or right represented by the premium charged for such insurance, a premium receipts tax of four per cent of gross premiums charged for such insurance other than marine insurance and a premium receipts tax of two per cent of gross premiums charged for such marine insurance. The term "premium" shall include all premiums, membership fees, assessments, dues, and any other consideration for insurance. Such tax shall be in lieu of all taxes and fire department dues. The insured shall, before March first next succeeding the calendar year in which the insurance was so procured, continued, or renewed, pay the amount of the tax to the commissioner. In the event of cancellation and rewriting of any such insurance contract, the additional premium for premium receipts tax purposes shall be the premium in excess of the unearned premium of the cancelled insurance contract.

IV. If a policy covers risks or exposures only partially in this state, the tax payable shall be computed on the portions of the premium which are properly allocable to the risks or exposures located in this state. In determining the amount of premiums taxable in this state, all premiums written, procured, or received in this state and all premiums on policies negotiated in this state shall be deemed written on property or risks located or resident in this state, except such premiums as are properly allocated or apportioned and reported as taxable premiums of any other state or states.

V. If the insured fails to withhold from the premiums the amount of tax herein levied, the insured shall be liable for the amount thereof and shall pay the same to the commissioner within the time stated in paragraph III. If the tax prescribed by this subsection is not paid within the time stated in paragraph III, the tax shall be increased by a penalty of twenty-five per cent and by the amount of an additional penalty computed at the rate of one per cent per month or any part thereof from the date such payment was due to the date paid.

VI. The attorney general, upon request of the commissioner, shall proceed in the courts of this or any other state or in any federal court or agency to recover such tax not paid within the time prescribed in this section.

VII. This section shall not be construed or deemed to abrogate or modify any provision of this chapter. This section does not apply as to individual life or individual disability insurance.

170:6 Effective Date. This act shall take effect January 1, 1972.

[Approved June 8, 1971.]

[Effective date January 1, 1972.]

CHAPTER 171.

AN ACT TO EXTEND THE JURISDICTION OF POLICE IN THE APPREHENSION OF MOTOR VEHICLE REGULATION VIOLATORS TO INCLUDE SEMI-PUBLIC PARKING LOT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

171:1 Jurisdiction; Parking Lots. Amend RSA 259:1, XXXV as amended by 1965, 274:1 by inserting in line four after word "use" the words (or any public or private parking lot which is maintained primarily for the benefit of paying customers) so that said paragraph as amended shall read as follows:

XXXV. "Way," any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use, or any public or private parking lot which is maintained primarily for the benefit of paying customers.

171:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 172.

AN ACT RELATIVE TO REQUIREMENTS FOR OBTAINING A LICENSE FOR GRANTING SMALL LOANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

172:1 Interest Rate Requirement. Amend RSA 399-A:2, I as inserted by 1961, 245:1 and amended by 1967, 416:1 by striking out in line seven the word "six" and inserting in place thereof the word (ten) so that said paragraph as amended shall read as follows:

I. No person shall, without first obtaining a license from the commissioner as hereinafter provided, engage in the business of making loans in amounts of five thousand dollars or less and contract for, exact or receive, directly or indirectly, in connection with any such loan any charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense or otherwise, which in the aggregate are greater than ten per cent per annum.

172:2 Unpaid Interest on Prior Loans. Amend RSA 399-A:3, VI as inserted by 1961, 245:1 and amended by 1967, 416:5 by adding at the end thereof the following (However, if all or any part of the consideration for a loan contract is the unpaid principal balance of the prior loan with the same licensee then the loan contract may include unpaid interest of the prior loan which has accrued within sixty days of the making of the loan contract) so that said paragraph as amended shall read as follows:

VI. No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal

balances. For the purpose of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and, where a fraction of a month is involved, a day shall be considered one-thirtieth of a month. However, if all or any part of the consideration for a loan contract is the unpaid principal balance of the prior loan with the same licensee then the loan contract may include unpaid interest of the prior loan which has accrued within sixty days of the making of the loan contract.

172:3 Increased Fees. Amend RSA 399-A:12 as inserted by 1961, 245:1 by striking out in line six the word "two" and inserting in place thereof the word (four) and by striking out in line eight the word "one" and inserting in place thereof the word (two) so that said section as amended shall read as follows:

399-A:12 Application and Fees. Application for a license shall be in writing, under penalty of perjury, and in the form prescribed by the commissioner. The application shall give the location where the business is to be conducted, and shall include the names and addresses of the partners, officers, directors, or trustees of the applicant. At the time of making such application, the applicant shall pay to the commissioner the sum of four hundred dollars as an annual license fee provided, that if the application is made after October first in any year the license fee shall be two hundred dollars.

172:4 Limit on Loans Raised. Amend RSA 399-A:20, I as inserted by 1961, 245:1 by striking out in line four the words "fifteen hundred" and inserting in place thereof the words (five thousand) so that said paragraph as amended shall read as follows:

I. The commissioner or his duly authorized representative may at any time and shall periodically investigate the business and examine the books, accounts, papers and records of each licensee pertaining to the business of making loans of five thousand dollars or less.

172:5 Limit on Loans Raised. Amend RSA 399-A:20, II as inserted by 1961, 245:1 by striking out in line nine the words "fifteen hundred" and inserting in place thereof the words (five thousand) so that said section as amended shall read as follows:

II. The commissioner or his duly authorized representative may investigate at any time any person engaged in the business or participating in such business as principal, agent, broker, or otherwise; or any person who the commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether such person shall claim to be within the authority or beyond the scope of this chapter. Any person not exempt hereunder who shall advertise for, solicit or hold himself out as willing to make or procure loans in the amount of, or of the value of, five thousand dollars or less shall be presumed to be engaged in the business described in paragraph I, section 2, of this chapter.

172:6 Effective Date. This act shall take effect upon its passage except section 3 shall take effect April 1, 1973.

[Approved June 8, 1971.]

[Effective date. Section 3 shall take effect April 1, 1973 and remainder of act effective June 8, 1971.]

CHAPTER 173.

AN ACT EXTENDING THE TIME WITHIN WHICH PARI-MUTUEL
POOLS MAY BE SOLD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

173:1 Pari-Mutuel Pools. Amend the introductory paragraph of RSA 284:22 as amended by 1955, 74:1; 1957, 122:1; 1961, 34:1 by striking out in line five the figure "1976" and inserting in place thereof the figure (1991) so that said paragraph as amended shall read as follows:

Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari-mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941–1991, inclusive.

173:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 174.

AN ACT RELATIVE TO THE NAME OF COOPERATIVE BANKS, BUILDING
AND LOAN ASSOCIATIONS OR SAVINGS AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

174:1 Name. Amend RSA 393:3 as amended by 1959, 173:1 by inserting in line two after the word "bank" the words (savings and loan association) so that said section as amended shall read as follows:

393:3 Name. The name assumed by the corporation shall indicate that it is a co-operative bank, savings and loan association or building and loan association, and shall not be one that is in use by any other corporation. Said name may be changed by an affirmative vote of two-thirds or more of the votes cast at an annual or special meeting of said association called to consider such action and with the approval of the bank commissioner. Such change of name shall be recorded in the same manner as the original articles of incorporation.

174:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 175.

AN ACT RELATIVE TO THE CONTROL OF RADIATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

175:1 Nonionizing Radiation. Amend RSA 125:56 as inserted by 1961, 60:1 and amended by 1963, 229:1 by striking out said section and inserting in place thereof the following:

125:56 Public Policy. Whereas ionizing and nonionizing radiations and their sources can be instrumental in the improvement of health, welfare and productivity of the public if properly utilized, and may be destructive of life if carelessly or excessively employed, or may impair the industrial and agricultural potentials of the state if improperly utilized, it is hereby declared to be the public policy of this state:

I. To encourage the constructive use of radiation and to prohibit unnecessary radiation; and

II. To institute and maintain a regulatory program for sources of ionizing and nonionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the federal government, (b) a single effective system of regulations within the state, and (c) a system consonant insofar as possible with those of other states; and

III. To institute and maintain a program to permit development and utilization of sources of ionizing and nonionizing radiation for peaceful purposes consistent with the health and safety of the public.

175:2 Nonionizing Radiation. Amend RSA 125:57 as inserted by 1963, 229:1 by striking out said section and inserting in place thereof the following:

125:57 Purpose. It is the purpose of this subdivision to effectuate the policies set forth in RSA 125:56 by providing for:

I. A program of effective regulation of sources of ionizing and nonionizing radiation for the protection of the occupational and public health and safety;

II. A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing and nonionizing radiation to the end that duplication of regulation may be minimized;

III. A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to by-products, source and special nuclear materials; and

IV. A program to permit maximum utilization of sources of ionizing and nonionizing radiation consistent with the health and safety of the public.

175:3 Definition. Amend RSA 125:58, II, as inserted by 1961, 60:1 and 1963, 229:1 by striking out said paragraph and inserting in place thereof the following:

II. "Unnecessary radiation" means the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles or rays or the use of nonionizing radiation,

including, but not limited to, microwave, ultraviolet light, and ultrasonic wave in such manner as may present a substantial hazard to the health of the people or the industrial or agricultural potentials of the state as determined by the consensus of opinion of competent scientific authorities.

175:4 Definition. Amend RSA 125:58 by inserting after paragraph XI the following new paragraph:

XII. "Nonionizing radiation" means any radiation which does not interact with matter in such a manner as to cause ionization.

175:5 Duty of An Agency. Amend RSA 125:59, III as inserted by 1963, 229:1 by striking out said paragraph and inserting in place thereof the following:

III. The agency shall for the protection of the occupational and public health and safety:

(1) Administer this subdivision and codes, rules, or regulations promulgated hereunder;

(2) Develop and conduct comprehensive policies and programs for evaluation of hazards associated with use of sources of ionizing and non-ionizing radiation and for their amelioration;

(3) Develop and conduct programs with due regard for compatibility with federal programs for regulation of by-product, source and special nuclear materials;

(4) Have power to formulate and promulgate, amend and repeal codes and rules and regulations, including registration of sources of radiation as may be necessary to prohibit and prevent unnecessary radiation; provided, however, that no such code, rule, regulation, amendment or repeal shall be adopted except after public hearing. Said public hearing shall be held by the department or its duly authorized representatives provided that thirty days' notice thereof shall be given by public advertisement stating the date, time and place of the hearing; provided further that no such amendment or repeal shall be or become effective until thirty days after such public hearing.

(5) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, industries, and with groups concerned with control of sources of ionizing and nonionizing radiation.

(6) Issue such orders or modifications thereof as may be necessary in connection with proceedings under section 62 hereof.

(7) Have the authority to accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private.

(8) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the control of radiation hazard, the measurement of radiation, the effects on health of exposure to radiation, and related problems as it may deem necessary or advisable for the discharge of its duties hereunder.

(9) Collect and disseminate information relating to control of sources of ionizing radiation and nonionizing radiation including:

(a) Maintenance of a file of all radioactive material license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations;

(b) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this act and any administrative or judicial action pertaining thereto; and

(c) Maintenance of a file of all rules and regulations relating to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

(10) Collect and disseminate health education information relating to radiation protection.

(11) Review plans and specifications for radiation sources submitted pursuant to codes, rules or regulations promulgated hereunder.

175:6 License Fee. Amend RSA 125:62, V (supp) as inserted by 1965, 336:2 by striking out said paragraph and inserting in place thereof the following:

V. The agency shall assess annual fees for the licensing and/or registration of sources and devices emitting ionizing radiation in accordance with the following schedule:

(a) Each individual user named on a specific license issued by the agency, except radiographers, teletherapy units, and manufacturers and/or distributors of devices containing radioactive material, ten dollars;

(b) Radiographer employing radioactive material and licensed by the agency, fifty dollars;

(c) Manufacturer and/or distributor of devices containing radioactive material and licensed by the agency, fifty dollars;

(d) Teletherapy units, one hundred dollars;

(e) Diagnostic-type X-ray machine, including medical, medical fluoroscopic, dental, chiropractic, veterinary, or similar uses, ten dollars; for each additional machine at the same location, five dollars;

(f) Therapeutic-type X-ray machines and particle accelerators capable of being operated at potentials not above 500,000 volts (per unit), twenty-five dollars;

(g) Therapeutic-type X-ray machines and particle accelerators capable of being operated at potentials above 500,000 volts (per unit), one hundred dollars;

(h) Industrial X-ray machine, including fluoroscopic, X-ray fluorescence, and X-ray diffraction units (per unit), twenty-five dollars.

175:7 Combination License. Amend RSA 125:62, VI, (supp) as inserted by 1965, 336:2 by striking out said paragraph and inserting in place thereof the following:

VI. Any person or organization may elect to pay a combination license and registration fee of two hundred dollars in lieu of a multiplicity of separate license and/or registration fees. The combined fee shall cover all specific licenses and/or registrations issued to the person or organization for uses at one location or address by the agency.

175:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 176.

AN ACT ENACTING AN INSURANCE HOLDING COMPANY ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

176:1 Holding Company Act Adopted. Amend RSA by inserting after chapter 401-A the following new chapter:

CHAPTER 401-B [NEW]

INSURANCE HOLDING COMPANIES

401-B:1 Definitions. As used in this chapter, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

I. An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

II. The term "commissioner" shall mean the insurance commissioner, his deputies, or the insurance department, as appropriate.

III. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by RSA 401-B: 4, IX that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

IV. An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

V. "Insurer" shall include every person engaged in the business of entering into policies of insurance except that it shall not include:

(a) Agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state,

(b) Fraternal benefit societies, or

(c) Nonprofit medical and hospital service associations.

VI. A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

VII. A "security holder" of a specified person is one who owns any security of such person, including common stock, preferred stock, debt

obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

VIII. A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

IX. The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security.

401-B:2 Subsidiaries of Insurers.

I. AUTHORIZATION. Any domestic insurer, subject to approval of the commissioner, either by itself or in cooperation with one or more persons, subject to the limitations set forth herein or elsewhere in this title may organize or acquire one or more subsidiaries engaged in the following kinds of business:

(a) Any kind of insurance business authorized by the jurisdiction in which it is incorporated;

(b) Acting as an insurance broker or as an insurance agent for its parent or for any of its parent's insurer subsidiaries;

(c) Investing, reinvesting or trading in securities for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(d) Management of any investment company subject to or registered pursuant to the Investment Company Act of 1940, as amended, including related sales and services;

(e) Acting as a broker-dealer subject to or registered pursuant to the Securities Exchange Act of 1934, as amended;

(f) Acting as administrative agent for and rendering investment advice to governments, government agencies, corporations or other organizations or groups;

(g) Rendering other services related to the operations of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims, appraisal and collection services;

(h) Ownership and management of assets which the parent corporation could itself own or manage;

(i) Acting as administrative agent for a governmental instrumentality which is performing an insurance function;

(j) Financing of insurance premiums, agents and other forms of consumer financing;

(k) Any other business activity determined by the commissioner to be reasonably ancillary to an insurance business; and

(l) Owning a corporation or corporations engaged or organized to engage exclusively in one or more of the businesses specified in this section.

II. ADDITIONAL INVESTMENT AUTHORITY. In addition to investments in common stock, preferred stock, debt obligations and other securities permitted under any other chapters of this title, a domestic insurer may also:

(a) Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, amounts which do not exceed the lesser of five percent of such insurer's assets or fifty percent of such insurer's surplus as regards policyholders, provided that after such investments the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments, there shall be included:

(1) Total net monies or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities, and

(2) All amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus, of a subsidiary subsequent to its acquisition or formation;

(b) When the insurer's total liabilities, as calculated for National Association of Insurance Commissioners annual statement purposes, are less than ten percent of assets, invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, provided that after such investment the insurer's surplus as regards policyholders, considering such investment as if it were a disallowed asset, will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;

(c) Invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries provided that each such subsidiary agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in RSA 401-B: 2, II, (a) or in RSA 402, 405 or 411 which are applicable to the insurer. For the purpose of this paragraph "the total investment of the insurer" shall include

(1) Any direct investment by the insurer in an asset and

(2) The insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of such subsidiary;

(d) With the approval of the commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, provided that after such investment the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs; and

(e) Invest any amount in the common stock, preferred stock, debt obligations, or other securities of any subsidiary exclusively engaged in holding title to or holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, and if following such investment all voting securities of such subsidiary would be owned by the insurer.

III. QUALIFICATION OF INVESTMENT; WHEN DETERMINED. Whether any investment pursuant to RSA 401-B: 2, II meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the value of all previous investments in equity securities as of the date they were made.

IV. CESSATION OF CONTROL. If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section

within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after such investment shall have been made, such investment shall have met the requirements for investment under any other section of this chapter, and the insurer has notified the commissioner thereof.

401-B: 3 Acquisition of Control of or Merger with Domestic Insurer.

I. FILING REQUIREMENTS. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, and such insurer has sent to its shareholders, a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner in the manner hereinafter prescribed. For purposes of this section: a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

II. CONTENT OF STATEMENT. The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following information:

(a) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in RSA 401-B: 3, I is to be effected (hereinafter called "acquiring party"), and

(1) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(2) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by RSA 401-B: 3, II, (a) (1).

(b) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring

party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than ninety days prior to the filing of the statement.

(d) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(e) The number of shares of any security referred to in RSA 401-B: 3, I which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in RSA 401-B: 3, I and a statement as to the method by which the fairness of the proposal was arrived at.

(f) The amount of each class of any security referred to in RSA 401-B: 3, I which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(g) A full description of any contracts, arrangements or understandings with respect to any security referred to in RSA 401-B: 3, I in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(h) A description of the purchase of any security referred to in RSA 401-B: 3, I during the twelve calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor.

(i) A description of any recommendations to purchase any security referred to in RSA 401-B: 3, I made during the twelve calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party.

(j) Copies of all tender offers for, requests or invitations for tenders of exchange offers for, and agreements to acquire or exchange any securities referred to in RSA 401-B: 3, I and (if distributed) of additional soliciting material relating thereto.

(k) The terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of securities referred to in RSA 401-B: 3, I for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

(l) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and security holders of the insurer or in the public interest.

III. If the person required to file the statement referred to in RSA 401-B: 3, I is a partnership, a limited partnership, syndicate or other group, the commissioner may require that the information called for by RSA 401-B: 3, II, (a) through (l) shall be given with respect to each partner of the partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. Where any partner, member or person is a corporation or a person required to file the statement referred to in RSA 401-B: 3, I is a corporation, the commissioner may require that the information called for by RSA 401-B: 3, II, (a) through (l) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is

directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of such corporation.

IV. CHANGES. If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to RSA 401-B: 3, II or III, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

V. ALTERNATIVE FILING MATERIALS. If any offer, request, invitation, agreement or acquisition referred to in RSA 401-B: 3, I is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file said statement referred to in RSA 401-B: 3, I may utilize such documents in furnishing the information called for by that statement.

VI. APPROVAL BY COMMISSIONER; HEARINGS.

(a) The commissioner shall approve any merger or other acquisition of control referred to in RSA 401-B: 3, I unless, after a public hearing thereon, he finds that:

(1) After the change of control the domestic insurer referred to in RSA 401-B: 3, I would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(2) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein;

(3) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining security holders who are unaffiliated with such acquiring party;

(4) The terms of the offer, request, invitation, agreement or acquisition referred to in RSA 401-B: 3, I are unfair and unreasonable to the security holders of the insurer;

(5) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

(6) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control.

(b) The public hearing referred to in RSA 401-B: 3, VI, (a) shall be held within sixty days after the statement required by RSA 401-B: 3, I is filed and at least twenty days' notice thereof shall be given by the commissioner to the person filing the statement. Not less than ten days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner. The insurer shall give such notice to its security holders. The commissioner shall make a determination within thirty days after the conclusion of such hearing. At such hearing, the person filing the state-

ment, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the superior court of this state. All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearing.

VII. MAILINGS TO SHAREHOLDERS; PAYMENT OF EXPENSES. All statements, amendments, or other material filed pursuant to RSA 401-B: 3, I, II and III, and all notices of public hearings held pursuant to RSA 401-B: 3, VI, shall be mailed by the insurer to its shareholders within five business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

VIII. EXEMPTIONS. The provisions of this section shall not apply to:

(a) Any offers, requests, invitations, agreements or acquisitions by the person referred to in RSA 401-B: 3, I, of any voting security referred to in said paragraph which, immediately prior to the consummation of such offer, request, invitation, agreement or acquisition, was not issued and outstanding;

(b) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as

(1) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or

(2) As otherwise not comprehended within the purposes of this section.

(c) Any acquisition of any voting security of a domestic insurer by spouses, issue, heirs, or next of kin of the owner acquiring the same by gift, will, appointment, or intestate succession.

IX. VIOLATIONS. The following shall be violations of this section:

(a) The failure to file any statement, amendment, or other material required to be filed pursuant to RSA 401-B: 3, I, or II; or III.

(b) The effectuation or any attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

X. JURISDICTION; CONSENT TO SERVICE OF PROCESS. The courts of this state are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address.

401-B: 4 Registration of Insurers.

I. REGISTRATION. Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. Any insurer which is subject to registration under this section shall register within sixty days after the effective date of this chapter or fifteen days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

II. INFORMATION AND FORM REQUIRED. Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:

(a) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(b) The identity of every member of the insurance holding company system;

(c) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(1) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(2) Purchases, sales, or exchanges of assets;

(3) Transactions not in the ordinary course of business;

(4) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(5) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; and

(6) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(d) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner.

III. MATERIALITY. No information need be disclosed on the registration statement filed pursuant to RSA 401-B: 4, II, if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one-half of one percent or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of this section.

IV. AMENDMENTS TO REGISTRATION STATEMENTS. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within fifteen days after the end of the month in which it learns of each such change or

addition, provided, however, that subject to RSA 401-B: 5, III, each registered insurer shall so report all dividends and other distributions to shareholders within two business days following the declaration thereof.

V. **TERMINATION OF REGISTRATION.** The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

VI. **CONSOLIDATED FILING.** The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

VII. **ALTERNATIVE REGISTRATION.** The commissioner may allow an insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under RSA 401-B: 4, I, and to file all information and material required to be filed under this section.

VIII. **EXEMPTIONS.** The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

IX. **DISCLAIMER.** Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

X. **VIOLATIONS.** The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

401-B: 5 Standards.

I. **TRANSACTIONS WITH AFFILIATES.** Material transactions by registered insurers with their affiliates shall be subject to the following standards:

(a) The terms shall be fair and reasonable;

(b) The books, accounts and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions; and

(c) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

II. **ADEQUACY OF SURPLUS.** For the purposes of this paragraph, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(a) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria;

(b) The extent to which the insurer's business is diversified among the several lines of insurance;

(c) The number and size of risks insured in each line of business;

(d) The extent of the geographical dispersion of the insurer's insured risks;

(e) The nature and extent of the insurer's reinsurance program;

(f) The quality, diversification, and liquidity of the insurer's investment portfolio;

(g) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(h) The surplus as regards policyholders maintained by other comparable insurers;

(i) The adequacy of the insurer's reserves; and

(j) The quality and liquidity of investments in subsidiaries made pursuant to RSA 401-B: 3. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

III. DIVIDENDS AND OTHER DISTRIBUTIONS. No licensed insurance company shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until

(a) Thirty days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or

(b) The commissioner shall have approved such payment within such thirty day period.

For the purposes of this paragraph, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the lesser of:

(1) Ten percent of such insurer's surplus as regards policyholders as of the thirty-first day of December next preceding, or

(2) The net gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the twelve month period ending the thirty-first day of December next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until

(aa) The commissioner has approved the payment of such dividend or distribution or

(bb) The commissioner has not disapproved such payment within the thirty day period referred to above.

401-B: 6 Examination.

I. POWER OF COMMISSIONER. Subject to the limitation contained in this paragraph and in addition to the powers which the commissioner has under title XXXVII relating to the examination of insurers, the commissioner shall also have the power to order any licensed insurer to produce

such records, books, or other information papers in the possession of the insurer or its affiliates as shall be necessary to ascertain the financial condition or legality of conduct of such insurer. In the event such insurer fails to comply with such order, the commissioner shall have the power to examine such affiliates to obtain such information.

II. PURPOSE AND LIMITATION OF EXAMINATION. The commissioner shall exercise his power under RSA 401-B: 6, I, only if the examination of the insurer under title XXXVII is inadequate or the interests of the policyholders of such insurer or of the public may be adversely affected.

III. USE OF CONSULTANTS. The commissioner may retain at the insurer's expense such attorneys, actuaries, accountants and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under RSA 401-B: 6, I. Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

IV. EXPENSES. Each registered insurer producing for examination records, books and papers pursuant to RSA 401-B: 6, I, shall be liable for, and shall pay the expense of, such examination.

401-B: 7 Confidential Treatment. All information, documents and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to RSA 401-B: 6 and all information reported pursuant to RSA 401-B: 4 shall be given confidential treatment and shall not be subject to subpoena and shall not be made public by the commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

401-B: 8 Rules and Orders. Upon notice and opportunity for all interested persons to be heard, the commissioner may issue such rules and orders as shall be necessary to carry out the provisions of this chapter.

401-B: 9 Injunctions; Prohibitions Against Voting Securities; Sequestration of Voting Securities.

I. INJUNCTIONS. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent thereof has committed or is about to commit a violation of this chapter or of any rule, regulation, or order issued by the commissioner hereunder, the commissioner may apply to the superior court for the county in which the principal office of the insurer is located or if such insurer has no such office in this state then to the superior court for Merrimack county for an order enjoining such insurer or such director, officer, employee or agent thereof from violating or continuing to violate this chapter or any such rule, regulation or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require.

II. VOTING OF SECURITIES; WHEN PROHIBITED. No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this

chapter or of any rule, regulation or order issued by the commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the courts of this state have so ordered. If an insurer or the commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this chapter or of any rule, regulation or order issued by the commissioner hereunder the insurer or the commissioner may apply to the superior court for Merrimack county or to the superior court for the county in which the insurer has its principal place of business to enjoin any offer, request, invitation, agreement or acquisition made in contravention of RSA 401-B: 5 or any rule, regulation, or order issued by the commissioner thereunder to enjoin the voting of any security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors and shareholders or the public may require.

III. SEQUESTRATION OF VOTING SECURITIES. In any case where a person has acquired or is proposing to acquire any voting securities in violation of this chapter or any rule, regulation or order issued by the commissioner hereunder, the superior court for Merrimack county or the superior court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this chapter. Notwithstanding any other provisions of law, for the purposes of this chapter, the situs of the ownership of the securities of domestic insurers shall be deemed to be in this state.

401-B: 10 Criminal Proceedings.

I. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent thereof has committed a wilful violation of this chapter the commissioner may request the county attorney to institute criminal proceedings in the superior court for the county in which the principal office of the insurer is located or if such insurer has no such office in the state, then in the superior court for Merrimack county against such insurer or the responsible director, officer, employee or agent thereof. Any insurer which wilfully violates this chapter may be fined not more than fifty thousand dollars. Any individual who wilfully violates this chapter may be fined not more than ten thousand dollars or, if such wilful violation involves the deliberate perpetration of a fraud upon the commissioner, imprisoned for not more than five years or both.

401-B: 11 Receivership. Whenever it appears to the commissioner that any person has committed a violation of this chapter which so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders or the public, then the commissioner may proceed as provided in RSA 402-C to take possession of the property of such domestic insurer and to conduct the business thereof.

401-B: 12 Revocation; Suspension, or Nonrenewal of Insurer's License. Whenever it appears to the commissioner that any person has committed a violation of this chapter which makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and opportunity to be heard, determine to suspend, revoke or refuse to renew such insurer's license or authority to do business in this state for such period as he finds is required for the protection of policyholders or the public. Any such determination shall be accompanied by specific findings of fact and conclusions of law.

401-B: 13 Plans for Acquisition of Minority Interests in Domestic Stock Insurance Companies.

I. Any parent corporation directly or indirectly owning at least ninety-five percent of the aggregate issued and outstanding shares of all classes of voting stock of a domestic stock insurance company may, pursuant to a plan for acquisition of minority interests in such subsidiary, acquire all of its remaining issued and outstanding shares of voting stock, by exchange of stock, other securities, cash, other consideration or any combination thereof.

II. The board of directors, trustees, or other governing body of the parent corporation may adopt a plan for the acquisition of minority interests in a subsidiary insurer. Every plan shall set forth:

(a) The name of the company whose shares are to be acquired;

(b) The total number of issued and outstanding shares of each class of voting stock of the company, the number of its shares owned by the parent corporation and, if either of the foregoing is subject to change prior to the effective date of acquisition, the manner in which any change may occur;

(c) The terms and conditions of the plan, including the manner and basis of exchanging the shares to be acquired for shares or other securities of the parent corporation, for cash, other consideration, or any combination of the foregoing, the proposed effective date of acquisition and a statement clearly describing the rights of dissenting stockholders to demand appraisal;

(d) If the parent corporation is neither a domestic corporation nor an authorized insurer, its agreement to be bound by paragraph VI of this section and RSA 294: 77 to 80 inclusive with respect to the plan, its consent to the enforcement against it in this state of the rights of stockholders pursuant to the plan, and a designation of the insurance commissioner as the agent upon whom process may be served against the parent corporation in the manner set forth in RSA 400: 18 in any action or proceeding to enforce any such rights; and

(e) Such other provisions with respect to the plan as the board of directors, trustees or other governing body deems necessary or desirable, or which the insurance commissioner may prescribe.

III. Upon adoption of the plan, it shall be duly executed by the president and attested by the secretary, or the executive officers corresponding thereto, under the corporate seal of the parent corporation. Thereupon, a certified copy of the plan, together with a certificate of its adoption subscribed by such officers and affirmed by them as true under the penalties of perjury and under the seal of the parent corporation, shall be submitted to the insurance commissioner for his approval. The insurance commissioner shall thereupon consider the plan and, if satisfied that it complies with this section, is fair and equitable and not inconsistent with law, he shall approve

the plan. If the insurance commissioner disapproves the plan, notification of his disapproval, assigning the reasons therefor, shall be given in writing by him to the parent corporation. No plan shall take effect unless the approval of the insurance commissioner has been obtained.

IV. If the insurance commissioner approves the plan, the parent corporation shall deliver to each person who, as of the date of delivery, is a holder of record of stock to be acquired pursuant to the plan, a copy of the plan, or a summary thereof approved by the insurance commissioner in person or by depositing the same in the post office, postage prepaid, addressed to the stockholder at his address of record. On or before the date of acquisition proposed in the plan, the parent corporation shall file with the insurance commissioner a certificate, executed by its president and attested by its secretary, or the executive officers corresponding thereto, and subscribed by such officers and affirmed by them as true under the penalties of perjury, and under the seal of the parent corporation, attesting to compliance by the parent corporation with this subdivision.

V. Upon compliance with this section, ownership of the shares to be acquired pursuant to the plan shall vest in the parent corporation on the date of acquisition proposed in the plan whether or not the certificates for such shares have been surrendered for exchange and the parent corporation shall be entitled to have new certificates registered in its name. Stockholders whose shares have been so acquired shall thereafter retain only the right either to receive the consideration to be paid in exchange for their shares pursuant to the plan or to demand appraisal pursuant to paragraph VI.

VI. A stockholder whose stock is acquired pursuant to this section and who elects to dissent from such acquisition shall, by complying with this paragraph and with RSA 294: 77 to 80 inclusive, have the right to receive payment in cash for the fair value of his shares, subject to final approval by the insurance commissioner, by filing a written notice of his election to dissent and a demand for payment to him for his stock at its fair value with the parent corporation within thirty days after the delivery to him of either a copy of the plan or a summary thereof, pursuant to paragraph IV. For purposes of this paragraph, the reference in RSA 294: 77 to "the date of such sale, lease, exchange or change" shall be deemed to include the date of delivery of the plan or a summary thereof, as provided in paragraph IV.

401-B: 14 Judicial Review; Mandamus.

I. Any person aggrieved by any act, determination, rule, regulation, or order or any other action of the commissioner pursuant to this chapter may appeal therefrom to the superior court for Merrimack county. The court shall conduct its review without a jury and by trial de novo, except that if all parties, including the commissioner, so stipulate, the review shall be confined to the record. Portions of the record may be introduced by stipulation into evidence in a trial de novo as to those parties so stipulating.

II. The filing of an appeal pursuant to this section shall stay the application of any such rule, regulation, order or other action of the commissioner to the appealing party unless the court, after giving such party notice and an opportunity to be heard, determines that such a stay would be detrimental to the interests of policyholders, shareholders, creditors or the public.

III. Any person aggrieved by any failure of the commissioner to act or make a determination required by this chapter may petition the superior

court for Merrimack county for a writ in the nature of a mandamus or a peremptory mandamus directing the commissioner to act or make such determination forthwith.

401-B: 15 Conflict with Other Laws. All laws and parts of laws of this state inconsistent with this chapter are hereby superseded with respect to matters covered by this chapter.

401-B: 16 Common Management. Nothing herein shall preclude an authorized insurer from having or sharing a common management or cooperative or joint use of personnel, property or services with one or more other persons under arrangements meeting the standards of RSA 401-B: 5, I and II.

176: 2 Repeal. The following chapter and sections of RSA are hereby repealed:

I. RSA 401-A as inserted by 1969, 292: 1 and amended by 1970, 37: 2 relative to acquisition of domestic corporations, and

II. RSA 403-A: 7, 8, 9, 10 and 11 as inserted by 1969, 293: 1 relative to disposal of assets.

176: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 177.

AN ACT RELATIVE TO QUALIFICATIONS FOR MEMBERS OF A SCHOOL BOARD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

177: 1 Administrators. Amend RSA 197: 16 (supp) as amended by 1965, 108: 1 by inserting in line four after the word "teacher" the word (administrator) so that said section as amended shall read as follows:

197: 16 Eligibility. No person shall be eligible to any school district office unless he is a voter in the district. No person holding office as a member of a school board shall at the same time act as district treasurer or auditor, nor shall any member of a school board be employed as a teacher, administrator or custodian in his district.

177: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 178.

AN ACT PROVIDING FOR THE RECOGNITION OF "MIDDLE SCHOOLS".

Be it Enacted by the Senate and House of Representatives in General Court convened:

178:1 Middle Schools Recognized. Amend RSA 189:25 as amended by 1963, 288:1 by striking out said section and inserting in place thereof the following:

189:25 Elementary School. An elementary school is any school in which the subjects taught are those prescribed by the state board for the grades kindergarten through eight of the public schools. However, a separate organization consisting of grades seven through nine, or any grouping of these grades, may be recognized as a junior high school and so approved by the board. Also a separate organization consisting of grades four through eight or any grouping of these grades may be recognized as a middle school and so approved by the state board. Any elementary school may include a kindergarten program which, if it is provided, shall precede the other elementary grades.

178:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 8, 1971.]

[Effective date August 7, 1971.]

CHAPTER 179.

AN ACT ESTABLISHING STATUTORY RIGHTS IN LIEU OF DOWER AND CURTESY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

179:1 Conveyance by Spouse. Amend RSA 460:4 by striking out said section and inserting in place thereof the following:

460:4 Conveyance of Real Estate. A married woman of full age may convey her real estate. A married spouse, though not of full age, may join with her (his) husband or wife in release of homestead.

179:2 Conveyance Barring Rights. Amend RSA 460:8 by striking out in line seven the words "dower, curtesy or" so that said section as amended shall read as follows:

460:8 Conveyance Barring Homestead Rights. A married man or woman who is justifiably living apart from his or her spouse because such spouse has been guilty of conduct which constitutes cause for divorce, and who wishes to convey real estate, may apply by petition to the judge of probate for the county in which the real estate lies for a license to convey the same in such manner as to bar all rights of homestead therein to which such guilty spouse may then or thereafter be entitled.

179:3 Procedure to Bar Conveyance Rights. Amend RSA 460:9 by striking out in line six the words "dower, curtesy or" so that said section as amended shall read as follows:

460: 9 —Procedure, etc. Upon the filing of the petition, a citation to the other party to the marriage shall issue and service thereof shall be made as provided in chapter 550, RSA. If, after hearing, the judge is satisfied that the necessary cause for divorce is in existence and that no injustice will result, he may grant the license. A conveyance made under the license shall be a complete bar to all rights of homestead to which such guilty party may then or thereafter be entitled in the premises so conveyed.

179: 4 Spouse Under Guardianship. Amend RSA 462: 21 by striking out in lines three and four the words "dower or curtesy and" so that said section as amended shall read as follows:

462: 21 Joinder of Spouse. The wife or husband of a person under guardianship may join with the guardian in a deed for the conveyance of any real estate of the ward, and thereby release and waive homestead right.

179: 5 Waiver of Will. Amend RSA 464: 3 by striking out said section and inserting in place thereof the following:

464: 3 Right of Waiver, etc. The guardian of a mentally incompetent person shall have the same right that his ward would have, if competent, to waive the provisions of a will in favor of his ward, intended to be in lieu of distributive share, and shall likewise have the power to release said ward's homestead right, and take for his ward the same property and rights that the ward would take and have if competent; and such guardian shall have the same right to an extension of time within which such waiver may be filed, by permission of the judge of probate, that the ward, if competent, would have.

179: 6 Warranty Deed Form Corrected. Amend RSA 477: 27 as amended by 1965, 125: 2 by striking out the form for warranty deed and inserting in place thereof the following:

(Form for warranty deed)

_____, of _____ County, State of _____,
for consideration paid, grant to _____ of _____ Street,
Town (City) of _____ County, State of _____,
with warranty covenants, the _____ (Description of land or
interest being conveyed: incumbrances, exceptions, reservations, if any)
_____, (wife) (husband) of said grantor, release to said grantee
all rights of homestead and other interests therein.
Witness _____ hand and seal this _____ day of _____, 19....
Witness:

(Here add acknowledgment)

179: 7 Quitclaim Form Corrected. Amend RSA 477: 28 as amended by 1965, 125: 3 by striking out the form for quitclaim deed and inserting in place thereof the following:

(Form for quitclaim deed)

_____, of _____ County, State of _____, for
consideration paid, grant to _____ of _____ Street,
Town (City) of _____ County, State of _____, with quit-
claim covenants, the _____ (Description of land or interest therein
being conveyed: incumbrances, exceptions, reservations, if any)
_____, (wife) (husband) of said grantor, release to said grantee
all rights of homestead and other interests therein.

Witness

hand and seal this

day of

, 19....

Witness:

(Here add acknowledgment)

179: 8 Mortgage Form Corrected. Amend RSA 477: 29 as amended by 1965, 125: 4 by striking out the form for mortgage deed, with power of sale and inserting in place thereof the following:

(Form for mortgage deed, with power of sale)

of

County, State of

for

consideration paid, grant to

of

Street,

Town (City) of

, County, State of

with mortgage covenants, to secure the payments of

dollars,

with

per cent interest payable semiannually and also perform

all the agreements and conditions as provided in note

of even

date, the

(Description of land or interest therein being conveyed: incumbrances, reservations, exceptions, if any)

This mortgage is upon the statutory conditions, for any breach of which the mortgagee shall have the statutory power of sale.

(Wife) (husband) of said mortgagor, release all rights of homestead and other interests in the mortgaged premises.

Witness

hand and seal this

day of

, 19....

Witness:

(Here add acknowledgment)

179: 9 Superior Court; Equity. Amend RSA 498: 1 by striking out in lines four and five the words “the assignment of dower” so that said section as amended shall read as follows:

498: 1 Jurisdiction. The superior court shall have the powers of a court of equity in the following cases: Charitable uses, trusts, fraud, accident and mistake; the affairs of partners, joint tenants or owners and tenants in common; the redemption and foreclosure of mortgages; contribution; waste and nuisance; the specific performance of contracts; discovery; cases in which there is not a plain, adequate and complete remedy at law, and in all other cases cognizable in a court of equity.

179: 10 Service of Writs. Amend RSA 510: 2 by striking out said section and inserting in place thereof the following:

510: 2 Manner. All writs and other processes shall be served by giving to the defendant or leaving at his abode an attested copy thereof, except in cases otherwise provided for.

179: 11 Repeal. RSA 537 relative to the action of dower is hereby repealed provided that any rights of widows vested with choate rights of dower at the time this act becomes effective shall be enforced in the same manner as heretofore provided.

179: 12 Probate Judges. Amend RSA 547: 5 by striking out said section and inserting in place thereof the following:

547:5 Adoption; Homestead, etc. He has jurisdiction in relation to the adoption of children, the assignment of homestead in the estates of deceased persons, and as to trustees appointed by will, in the cases prescribed by law.

179:13 Cases Requiring No Notice. Amend RSA 550:4, IX by striking out the words "of dower and" so that said paragraph as amended shall read as follows:

IX. In the assignment of the homestead right.

179:14 Cases Requiring No Notice. Amend RSA 550:4, XIII as inserted by 1957, 167:2 by striking out said paragraph and inserting in place thereof the following:

XIII. In licensing the mortgage of real estate pursuant to RSA 554:30-35.

179:15 Expenses of Assignment. Amend RSA 554:20 by striking out in line two the words "and the widow's dower" so that said section as amended shall read as follows:

554:20 Expenses of Assignment, etc. The expenses of assigning the homestead right of the division and assignment of the real estate, and of appointing guardians of minors and others incapacitated to take care of their interest, whether heirs or legatees, shall be chargeable as expenses of administration.

179:16 License. Amend RSA 554:32 (supp) as inserted by 1957, 167:1 by striking out in line two the words "the widow's dower, and the widower's curtesy right" and inserting in place thereof the words (and other rights therein) so that said section as amended shall read as follows:

554:32 [New] —License. The license shall include the homestead rights and other rights therein, upon consent in writing by the widow or widower of the decedent.

179:17 Sale of Reversions, etc. Amend RSA 559:2 by striking out in line two the words "the widow's dower, or to" so that said section as amended shall read as follows:

559:2 Sale of Reversions, etc. The license may extend to the reversion of the homestead right and of any interest in land whatever; but any other estate than a present fee shall be particularly specified in the application, notice and license.

179:18 Sale by Consent. Amend RSA 559:5 by striking out in lines six and seven the words "and widow's dower" and inserting in place thereof the words (and any other interest therein) so that said section as amended shall read as follows:

559:5 Sale by Consent. Whenever it shall be necessary to sell real estate for the payment of debts the judge, on application of the administrator, with the assent of the widow or surviving husband, if any, and, if there is no widow or surviving husband, then with the assent of the guardian of the minor children, if any, may grant license for the sale of the whole real estate of the deceased, including the homestead right and any other interest therein, and the reversions thereof.

179:19 Making; Account. Amend RSA 560:1 by striking out in line seven the words "section 11" and inserting in its place the following (RSA 560:10) so that said section as amended shall read as follows:

560:1 Making; Account. The judge may make to the widow of the person deceased, intestate, or testate, a reasonable allowance out of the personal estate, for her present support; and, in the decree of distribution of the personal estate, the whole, or such part thereof as the judge may deem reasonable, shall be accounted as part of her distributive share; and shall be so accounted when she elects to take one third or one half of the real estate, under the provisions of RSA 560:10.

179:20 Dower Right. Amend RSA 560:3 by striking out said section and inserting in place thereof the following:

560:3 Dower and Curtesy Abolished. Neither husband or wife, widower or widow, shall be vested with either choate or inchoate right of curtesy or dower in the real estate of his or her spouse.

179:21 Repeal. RSA 560:4 through 9 relative to dower and curtesy rights are hereby repealed.

179:22 Rights of Surviving Spouse. Amend RSA 560:10 (supp) as amended by 1957, 261:1, 2 by striking out said section and inserting in place thereof the following:

560:10 Widow or Widower Surviving—Rights in Personalty and Real Estate. Upon the death of either husband or wife, intestate or if testate and the surviving spouse has elected to waive the homestead right and the provisions of the will in his or her favor, such surviving spouse shall be vested with the following portion of the estate remaining after the payment of debts and expenses of administration.

I. If there are children of the deceased surviving (whether by the surviving spouse or by previous marriage) or issue of any deceased children, one third part of the personalty and one third part of the real estate.

II. If the decedent leaves no children or issue of any deceased children, but does leave mother or father or sister or brother surviving, ten thousand dollars in value thereof of personalty and ten thousand dollars in value of real estate, and also one half of the remainder above ten thousand dollars in each, the real estate to be assigned to the surviving spouse in the same manner as dower heretofore has been assigned. Where the inventory value of the real estate does not exceed ten thousand dollars the surviving spouse shall be entitled to the whole of said remainder and no assignment of the same shall be required unless some party in interest shall petition to the probate court therefor.

III. If the decedent leaves no children or issue of any deceased children, nor mother or father, nor sister or brother surviving, ten thousand dollars of the value thereof, plus two thousand dollars for each full year from the date of marriage to decease of spouse, and also one half in value of the remainder above said sum computed as above, in the personalty, and the same in the real estate, the real estate to be assigned in the same manner as dower has heretofore been assigned. Where the inventory value of the real estate does not exceed ten thousand dollars the surviving spouse shall be entitled to the whole of said remainder and no assignment of the same shall be required unless some party in interest shall petition the probate court therefor.

IV. If the decedent leaves no children, nor heirs and next of kin, the surviving spouse shall take the whole of the personalty and the real estate in fee.

179: 23 Repeal.

I. RSA 560: 11 (supp) as amended by 1957, 261: 3, 4 relative to widow's right to real estate is hereby repealed.

II. RSA 560: 12 (supp) as amended by 1957, 261: 5, 6 relative to surviving husband's right in personalty is hereby repealed.

III. RSA 560: 13 (supp) as amended by 1957, 261: 7, 8 relative to surviving husband's right in real estate is hereby repealed.

179: 24 Waiver and Release. Amend RSA 560: 14 (supp) as amended by 1967, 227: 1 by striking out said section and inserting in place thereof the following:

560: 14 Waiver and Release. The waiver or release of the will and homestead right provided for in RSA 560: 10 shall be made in writing and shall be filed in the probate office within six months after the appointment of an executor or administrator, and not afterwards, unless by permission of the judge of probate for good cause shown. Where real estate is involved, the waiver and release shall be recorded in the registry of deeds of the county where the real estate is situated.

179: 25 Settlements on Wife. Amend RSA 560: 15 by striking out in line two the words "right of dower" so that said section as amended shall read as follows:

560: 15 Upon Wife. If a settlement was made upon the wife before marriage, which was stipulated to be in lieu of her homestead right, distributive share, or either of them, in her husband's estate, it shall be enforced by the court of probate, and the widow shall not be entitled to any right or rights in lieu of which the settlement was made.

179: 26 Real Estate. Amend RSA 561: 1 by striking out said section and inserting in place thereof the following:

561: 1 Real Estate and Personalty. The real estate and personal estate of every person deceased, not devised or bequeathed, subject to the right of the surviving spouse under RSA 560, and to any homestead right, and liable to be sold by license from the court of probate in cases provided by law, and personalty remaining in the hands of the administrator on settlement of his account, shall descend in equal shares or be distributed by decree of the probate court:

I. If the deceased is survived by a spouse, the remaining two-thirds interest to the children of the deceased and the issue of such of them as are dead.

II. If there is no spouse surviving, the entire interest to the children of the deceased and the issue of such of them as are dead.

III. If there be no children, or issue of any deceased children, to the father and mother in equal shares if both are living, and to the father or mother if one of them is deceased.

IV. If there are no children, or issue of any deceased children, or father or mother, in equal shares to the brothers and sisters or their representatives.

V. If there are no children, or issue of any deceased children, father, mother, brothers, sisters or their representatives, to the next of kin in equal shares.

179: 27 Repeal. RSA 561: 6 relative to personal estate not bequeathed is hereby repealed.

179: 28 Escheat. Amend RSA 561: 8 by inserting at the end thereof the following (If as herein provided the surviving spouse is entitled to the estate, he or she may certify under oath, recorded in the registry of probate, that to the best of his or her knowledge and belief the deceased was survived by no children, or issue of any deceased children, father or mother, grandfather or grandmother, brother or sister or their representatives, aunt or uncle, or first cousin, and if no heir or next of kin files an appearance in the estate within a period of three years of the date of appointment of the administrator such certificate shall be a conclusive presumption that no heir or next of kin exists who can affect the right of the surviving spouse to take under this section) so that said section as amended shall read as follows:

561: 8 Escheat, etc. If there be no heir, legatee, or devisee of an estate, the same shall accrue to the widow or widower, and if there be no widow or widower, the same shall accrue to the state. If as herein provided the surviving spouse is entitled to the estate, he or she may certify under oath, recorded in the registry of probate, that to the best of his or her knowledge and belief the deceased was survived by no children, or issue of any deceased children, father or mother, grandfather or grandmother, brother or sister or their representatives, aunt or uncle, or first cousin, and if no heir or next of kin files an appearance in the estate within a period of three years of the date of appointment of the administrator such certificate shall be a conclusive presumption that no heir or next of kin exists who can affect the right of the surviving spouse to take under this section.

179: 29 Jurisdiction. Amend RSA 562: 1 by striking out said section and inserting in place thereof the following:

562: 1 Jurisdiction. The judge may cause the share of the widow or widower, the homestead right, and the shares of any or all of the heirs or devisees in the real estate of a person deceased, or in any part of it, and any other estates, after the same shall have reverted, to be divided and assigned to them in severalty, according to their respective interests, in one or more parcels, as may be convenient.

179: 30 Assignment of Reversion. Amend RSA 562: 10 by striking out said section and inserting in place thereof the following:

562: 10 Assignment of Homestead and Estates. The homestead right, life estates, or other estates, may, if the parties request it, be set off, divided or assigned, with the other real estate, at its just value, to be estimated by the committee.

179: 31 Effective Date. This act shall take effect sixty days after its passage.*

[Approved June 9, 1971.]

[Effective date August 8, 1971.]

* The effective date of chapter 179 entitled "establishing statutory rights in lieu of dower and curtesy" was changed from August 8, 1971 to August 10, 1971, by an amendment 1971, 473: 3, so that the effective date of this chapter now reads as follows:

179: 31 Effective Date. This act shall take effect at midnight, August 10, 1971 but shall not apply to the estates of persons deceased prior to said date and time but such estates shall remain subject to the provisions of the laws in force prior to the effective date of this act.

CHAPTER 180.

AN ACT INCREASING THE MEMBERSHIP OF THE BARBERS' BOARD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

180: 1 Membership Increased. Amend RSA 313: 3 by striking out said section and inserting in place thereof the following:

313: 3 Examining and Licensing Board. There shall be a barbers' examining and licensing board, herein referred to as the board, which shall consist of five members appointed by the governor with the advice and consent of the council. At least three members of the board shall be practical barbers who have followed the practice of barbering in this state for at least five years. One member of the board shall be designated as chairman and one as secretary and treasurer. The members shall be appointed to serve for five years. The governor may remove a member for cause. Members appointed to fill vacancies shall serve during the unexpired terms of their predecessors.

180: 2 Appointments to Board. To carry out the provisions of section 1 of this act, three members shall be appointed to the board in 1972 for the following terms: one member for a term of three years, one member for a term of four years and one member for a term of five years. In 1973 and each year thereafter one member shall be appointed to the board for a term of five years.

180: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 9, 1971.]

[Effective date August 8, 1971.]

CHAPTER 181.

AN ACT RELATIVE TO THE UNIFORM RECIPROCAL ENFORCEMENT OF
SUPPORT ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

181:1 Definitions. Amend RSA 546:2 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:2 Definitions.

I. "Court" means the superior court of this state and when the context requires means the court of any other state as defined in a substantially similar reciprocal law.

II. "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid.

III. "Governor" includes any person performing the functions of governor or the executive authority of any state covered by this chapter.

IV. "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

V. "Law" includes both common and statutory law.

VI. "Obligee" means a person including a state or political subdivision to whom a duty of support is owed or a person including a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

VII. "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support is commenced.

VIII. "Prosecuting attorney" means the county attorney in the several counties.

IX. "Register" means to record in the Registry of Foreign Support Orders.

X. "Registering court" means any court of this state in which a support order of a rendering state is registered.

XI. "Rendering state" means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.

XII. "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced. "Responding court" means the court in which the responsive proceeding is commenced.

XIII. "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction which this or a substantially similar reciprocal law is in effect.

XIV. "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

181:2 Civil Enforcement. Amend RSA 546:9 (supp) as amended by 1957, 53:1 and 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:9 How Duties of Support are Enforced. All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this chapter including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

181:3 Filing of Petition of Support. Amend RSA 546:11 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:11 Contents and Filing of Petition for Support; Venue.

I. The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the petition any information which may help in locating or identifying the obligor including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, and his social security number.

II. The petition may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept and forward the petition on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

181:4 Proceeding Brought. Amend RSA 546:12 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:12 Official to Represent Obligee. If this state is acting as an initiating state, the prosecuting attorney upon the request of the court, division of welfare, a county commissioner, an overseer of public welfare or other local welfare officer shall represent the obligee in any proceeding under this chapter. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request of the court or may undertake the representation.

181:5 Initiating Court. Amend RSA 546:14 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:14 Duty of Initiating Court. If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor

owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property it shall so certify and cause three copies of the petition and its certificate and one copy of this chapter to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

181:6 Costs and Fees. Amend RSA 546:15 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:15 Costs and Fees. An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor, or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

181:7 Arrest. Amend RSA 546:16 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:16 Jurisdiction by Arrest. If the court of this state believes that the obligor may flee it may:

I. As an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or

II. As a responding court, obtain the body of the obligor by appropriate process. Thereupon it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.

181:8 Information Agency's Duties. Amend RSA 546:17 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:17 State Information Agency.

I. The Division of Welfare is designated as the state information agency under this chapter. It shall:

(a) Compile a list of the courts and their addresses in this state having jurisdiction under this chapter and transmit it to the state information agency of every other state which has adopted this or a substantially similar act. Upon the adjournment of each session of the general court the agency shall distribute copies of any amendments to the chapter and a statement of their effective date to all other state information agencies;

(b) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in his state having jurisdiction under this chapter; and

(c) Forward to the court in this state which has jurisdiction over the obligor or his property petitions, certificates and copies of the act it receives from courts or information agencies of other states.

II. If the state information agency does not know the location of the obligor or his property in the state and no state location service is available it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices both state and federal where such offices are able to cooperate, and requests made to the social security administration as permitted by the Social Security Act as amended.

III. After the deposit of three copies of the petition and certificate and one copy of the act of the initiating state with the clerk of the appropriate court, if the state information agency knows or believes that the prosecuting attorney is not prosecuting the case diligently it shall inform the attorney general.

181:9 Duty of Court. Amend RSA 546:18, II (supp) as amended by 1959, 271:1 by inserting in line four after the word "hearing" the following (and give notice thereof to the defendant in accordance with law) so that said paragraph as amended shall read as follows:

II. It shall be the duty of the county attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the defendant or his property and shall request the court to set a time and place for a hearing and give notice thereof to the defendant in accordance with law.

181:10 Duty of Attorney General. Amend RSA 546:18 (supp) as amended by 1959, 271:1 by inserting after paragraph II the following new paragraph:

III. If the county attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request of the court or may undertake the representation.

181:11 Procedure. Amend RSA 546:20 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:20 Hearing and Continuance. If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

181:12 Testimony. Amend RSA 546:21 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:21 Immunity from Criminal Prosecution. If at the hearing the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.

181:13 Rules of Evidence. Amend RSA 546:23 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:23 Rules of Evidence. In any hearing for the civil enforcement of this chapter the court is governed by the rules of evidence applicable in a civil court action in the superior court. If the action is based on a support order issued by another court a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor with respect to paternity (RSA 546:26-a) or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

181:14 Payments to Probation Department. Amend RSA 546:24 (supp) as amended by 1959, 271:1 by inserting in line four after the word "order" the following (Support orders made pursuant to this chapter shall require that payments be made to the probation department of the court of the responding state) so that said section as amended shall read as follows:

546:24 Order of Support. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. Support orders made pursuant to this chapter shall require that payments be made to the probation department of the court of the responding state. The court and county attorney of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the county attorney shall transmit a certified copy of the order to the county attorney of any county where it appears that procedures to enforce payment of the amount due would be effective. The county attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

181:15 Paternity. Amend RSA 546 by inserting after section 26 (supp) the following new section:

546:26-a [New] Paternity. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

181:16 Proceedings. Amend RSA 546:29 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:29 Proceedings Not to be Stayed. A responding court shall not stay the proceeding or refuse a hearing under this chapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the petition being heard the court must conform its support order to the amount allowed in the other action or proceeding. Thereafter the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

181:17 Application of Payments. Amend RSA 546:30 (supp) as amended by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:30 Application of Payments. A support order made by a court of this state pursuant to this chapter does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this state.

181:18 Appeals. Amend RSA 546 by inserting after section 32 (supp) the following new section:

546:32-a [New] Appeals. If the director of welfare is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

I. Perfect an appeal to the proper appellate court if the support order was issued by a court of this state, or

II. If the support order was issued in another state, cause the appeal to be taken in the other state. In either case expenses of appeal may be paid on his order from funds appropriated for his office.

181:19 Official to Represent Obligee. Amend RSA 546:36 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:36 Official to Represent Obligee. If this state is acting either as a rendering or registering state the county attorney upon the request of the court, the division of welfare, a county commissioner, an overseer of public welfare or other local welfare or other local welfare officer shall represent the obligee in proceedings under this part. If the county attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request or may undertake the representation.

181:20 Registration Procedure. Amend RSA 546:37 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:37 Registration Procedure; Notice.

I. An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court;

(a) three certified copies of the order with all modifications thereof;

(b) one copy of the reciprocal enforcement of support act of the state in which the order was made; and

(c) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents, the clerk of the court, without payment of a filing fee or other cost to the obligee shall record them in the registry of foreign support orders. The recording constitutes registration under this chapter.

II. Promptly upon registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the county attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

181:21 Effect and Enforcement. Amend RSA 546:38 (supp) as inserted by 1959, 271:1 by striking out said section and inserting in place thereof the following:

546:38 Effect of Registration; Enforcement Procedure.

I. Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

II. The obligor has twenty days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition the registered support order is confirmed.

III. At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed the court shall stay enforcement of the order for an appropriate period if the obligor furnished the same security for payment of the support ordered that is required for a support order of this state.

181: 22 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 9, 1971.]

[Effective date August 8, 1971.]

CHAPTER 182.

AN ACT LEGALIZING THE PROCEEDINGS ESTABLISHING THE SHAKER REGIONAL SCHOOL DISTRICT AND AMENDING THE ARTICLES OF AGREEMENT OF SAID DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

182: 1 Proceedings Legalized, Belmont School District. All the votes and proceedings of the annual school meeting February 6, 1971 of the Belmont school district including but not limited to the adoption of the articles of agreement of the Shaker regional school district are hereby legalized, ratified and confirmed.

182: 2 Proceedings Legalized, Canterbury School District. All the votes and proceedings of the annual school meeting February 6, 1971 of the Canterbury school district including but not limited to the adoption of the articles of agreement of the Shaker regional school district are hereby legalized, ratified and confirmed.

182: 3 Proceedings Legalized, Shaker Regional School District. All votes and proceedings of the first meeting of the Shaker regional school district held May 8, 1971 are hereby legalized, ratified, and confirmed in all respects, and, without limiting the generality of the foregoing, said district may issue six hundred ninety-one thousand, two hundred fifty dollars in bonds or notes under RSA 195 and RSA 33 for enlarging the Belmont high school and for renovating the Gale and Memorial schools.

182: 4 Manner of Election of Shaker Regional School District Offices. Notwithstanding the provisions of section 2 of the articles of agreement of Shaker regional school district, the members of the cooperative school board shall be elected at large by the qualified voters of the district as a whole; and commencing in 1972, and thereafter, when a successor member is elected to replace a member whose term has expired, such successor member shall be a resident of the same pre-existing district as that of which the member whose term has expired is a resident.

182: 5 Referendum. The provisions of section 4 of this act shall not be effective unless approved by a majority of the voters of the Shaker regional school district voting at a referendum in accordance with this section. Said referendum shall be called and warned in the same manner as a special meeting of the district. The warrant for said referendum shall contain an article as follows: "That the sense of the voters shall be taken on the following question: 'Do you approve that section of an act of the 1971 general court which provides that in the future the members of the Shaker Regional School Board shall be elected at large?'" The Shaker regional school district clerk then in office shall prepare a ballot for use at said referendum upon which shall be printed the following question: "Do you

approve that section of an act of the 1971 general court which provides that in the future the members of the Shaker Regional School Board shall be elected at large?" Directly opposite said question shall be a box marked "Yes" and a box marked "No" for the voter to indicate his choice. The referendum shall be conducted at one polling place designated in the warrant and for a period of at least six hours, also so designated. If a majority of those voting on the question approve, section 4 of this act shall be declared to have been adopted. The clerk of the school board shall immediately after said referendum certify to the secretary of state the vote thereon.

182:6 Effective Date. Section 5 of this act shall take effect upon its passage. Section 4 shall take effect as provided by section 5. Sections 1, 2 and 3 hereof shall take effect on the day following the referendum prescribed by section 5 regardless of the outcome of said referendum.

[Approved June 11, 1971.]

[Effective date. Section 5 shall take effect June 11, 1971. Remainder of act effective as provided in section 6.]

CHAPTER 183.

AN ACT RELATIVE TO RECOVERIES BY THE DIVISION OF INVESTIGATION OF ACCOUNTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

183:1 Recovery Against Estates. Amend RSA 8 by inserting after section 41 the following new section:

8:41-a [New] Estates Chargeable for Support. Expenses incurred in the institutions named in or at the direction of the commissioner of health and welfare, in any public or private institution, or elsewhere by anyone having a father, mother, son, daughter, husband or wife whose estate is more than sufficient to pay priorities I, II, III, IV and V of RSA 554:19, may be recovered in an action in the name of the state, from said estate of the father, mother, son, daughter, husband or wife which are declared jointly and severally liable for such expenses, unless otherwise ordered by the court.

183:2 Recovery of Expenses. Amend RSA 8:43, I (supp) as inserted by 1965, 16:1 by striking out in line six the words "or their estate" and inserting in place thereof the following (as defined in RSA 8:41 or from the estates provided in RSA 8:41-a) so that said paragraph as amended shall read as follows:

I. The state is entitled to recover the expense of care, treatment and maintenance of any patient or inmate at such institutions or at a public or private institution or otherwise at the direction of the director of division of public health from the patient or inmate, if of sufficient ability to pay, or his estate, or from those persons legally chargeable with his support as defined in RSA 8:41 or from the estates provided in RSA 8:41-a.

183:3 Past Due Expenses. Amend RSA 8:43, II(a)(1) (supp) as inserted by 1965, 16:1 by striking out in lines three and four the words

“the estate of the person legally chargeable for the support of the inmate” and inserting in place thereof the following (an estate legally chargeable for the expenses of the inmate as provided in RSA 8:41-a) so that said subparagraph as amended shall read as follows:

(1) If the inmate is living and is a resident of the school, and if the person legally chargeable for the support of the inmate dies, recovery from an estate legally chargeable for the expenses of the inmate as provided in RSA 8:41-a is limited to the expense incurred within the five years immediately preceding the death of the person chargeable.

183:4 Limitation. Amend RSA 8:43, III (supp) as inserted by 1965, 16:1 by striking out in lines five and six the words “the estate of a person legally chargeable with the support of an inmate” and inserting in place thereof the following (an estate legally chargeable for the expenses of an inmate as provided in RSA 8:41-a) so that said paragraph as amended shall read as follows:

III. In an action by the state for the recovery of the expenses of an inmate of Laconia State School and Training Center who is discharged from the school, or is dead, the action shall be brought within six years after his discharge or after his death. An action by the state against the estate of an inmate or against an estate legally chargeable for the expenses of an inmate as provided in RSA 8:41-a may not be brought unless the action is commenced within the time allowed for an action against an administrator by RSA 556:5.

183:5 Duties. Amend RSA 8:40 by striking out said section and inserting in place thereof the following:

8:40 Duties. Subject to the direction and supervision of the comptroller the business supervisor shall (1) review and investigate all records of the New Hampshire Hospital, Laconia State School and Training Center and the New Hampshire home for the elderly relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment or maintenance at the direction of the commissioner of health and welfare, and make recommendations to the respective boards of trustees or commissions of such institutions, or to the commissioner of health and welfare, as to the rates to be charged for the care, treatment and maintenance of such patients or inmates, (2) investigate the ability of patients and inmates of such institutions and of the patients receiving care, treatment or maintenance either in public or private institutions or otherwise at the direction of the commissioner of health and welfare and those legally chargeable for their support and maintenance to pay for such care, treatment and maintenance and recommend to the respective boards of trustees or commissions of such institutions or to the commissioner of health and welfare the rate to be charged, (3) submit monthly to the boards of trustees of such institutions and the commissioner of health and welfare any recommended changes in the schedule of rates based upon the ability of the patient or inmate or those legally chargeable for their support to pay, (4) submit monthly to the boards of trustees or commissions of such institutions and the commissioner of health and welfare a report setting forth any facts or information which bear upon or affect the domicile of any patient or inmate of such institution which the business supervisor has found in conjunction with investigation under this subdivision, and the business supervisor shall recommend such action as he deems advisable.

183:6 Persons Chargeable. Amend RSA 8:41 by striking out in line two the words "tuberculosis commission" and inserting in place thereof the words (commissioner of health and welfare) so that said section as amended shall read as follows:

8:41 Persons Chargeable With Support of Inmates of Public Institutions. Expenses incurred in the institutions named in or at the direction of the commissioner of health and welfare in any public or private institution or elsewhere by anyone having a father, mother, son, daughter, husband or wife whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, may be recovered in an action in the name of the state, from either a father, mother, son, daughter, husband or wife, who are declared jointly and severally liable for such expenses, unless otherwise ordered by the court.

183:7 Partial Charges. Amend RSA 8:45 by striking out said section and inserting in place thereof the following:

8:45 Partial Charges. Each board of trustees or commission of such institutions or the commissioner of health and welfare may charge less than the uniform monthly rate when it finds that a patient or any relative chargeable therewith is able to bear only a portion of the expense incident to his care, treatment and maintenance at such institution or care, treatment and maintenance furnished at the direction of the commissioner of health and welfare. In establishing such charge the boards of trustees or commission of such institutions and the commissioner of health and welfare shall consider the report, investigation and recommended charge of the comptroller. The recommended rate shall be charged by the comptroller if the boards of trustees or commission of such institutions or the commissioner of health and welfare shall not establish a different rate at a later meeting following the one in which the recommendation was presented. The comptroller shall make further recommendations as provided in this section where conditions affecting the ability to pay of persons legally chargeable for the support of the patient or inmate have changed. Provided, however, that the establishment of a partial rate as provided herein shall not preclude the collection of the balance between the partial rate and the full rate from an estate as provided in section 41-a.

183:8 Support by State. Amend RSA 8:46 by striking out in line three the words "tuberculosis commission" and inserting in place thereof the words (commissioner of health and welfare) so that said section as amended shall read as follows:

8:46 Support by the State. Any patient or inmate of such institutions or patient receiving care, treatment or maintenance at the direction of the commissioner of health and welfare who has no means of support and no persons chargeable for his support shall be supported by the state.

183:9 Duties of Administrators. Amend RSA 554 by inserting after section 19 the following new section:

554:19-a [New] Notice to Division of Accounts. Every administrator shall notify the state business supervisor of the department of administration and control, division of investigation of accounts if he has knowledge of liability under RSA 8:41-a.

183:10 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 184.

AN ACT ENABLING THE DEPARTMENT OF FISH AND GAME TO RECOVER DAMAGES FOR LOSS OF FISH, OTHER AQUATIC LIFE, WILDLIFE OR THEIR HABITAT DUE TO WATER POLLUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

184:1 Damage to Fish, Other Aquatic Life, and Wildlife or Their Habitat Prohibited. Amend RSA 211 by inserting after section 70 the following new subdivision:

Damage to Fish, Other Aquatic Life, Wildlife or Their Habitat [New]

211:71 Contamination of Waters; Liability. Whoever unlawfully discharges contaminants into the inland or coastal waters of the state shall be liable to the state for any damage to the fish, other aquatic life and wildlife or their habitat in said waters caused by such contamination.

211:72 Damages; Determination by Department of Fish and Game. Upon learning of damage to fish and other aquatic life or wildlife and/or their habitat occasioned by contamination, the director of the department of fish and game or his designated agent shall investigate and determine the party responsible. He shall compute the damages based on tables for each species of fish as promulgated by the department and by such other means as he deems reasonable and accurate. He shall calculate the value of fish and other aquatic life or wildlife or their habitat destroyed by using standard procedures and such other means as he deems reasonable and accurate for estimating the value of fish populations and other aquatic life or wildlife or their habitat.

211:73 Continuing Contamination. The director shall notify the water supply and pollution control commission or any other department of the state authorized by law to seek injunctive relief against water pollution if the contamination is a continuing offense.

211:74 Damage Actions. When, in the opinion of the director, the damage to fish life and other aquatic life or wildlife or their habitat, so warrants, he shall request the attorney general to institute an action at law for damage to fish life and other aquatic life or wildlife or their habitat, caused by the contamination.

184:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 185.

AN ACT RELATIVE TO PARTICIPATION IN THE WORK INCENTIVE PROGRAM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

185:1 Records Authorized. Amend RSA 282:22, III (supp) as inserted by 1969, 451:8 by striking out said paragraph and inserting in place thereof the following:

III. Notwithstanding any other provision of law, the commissioner of employment security, and any person with whom the state through the said commissioner contracts in the administration of an agreement authorized under this section, shall mark or keep any records or reports, oral or written, required by the United States Department of Labor or other federal agency in order to participate in the work incentive program including, but not limited to, records or reports which show or tend to show the race, color, ethnic origin, creed, or religion of any individual.

185:2 Effective Date. This act shall take effect upon its passage.

[Approved June 11, 1971.]

[Effective date June 11, 1971.]

CHAPTER 186.

AN ACT AMENDING THE CHARTER OF THE UNION SCHOOL DISTRICT OF KEENE TO PROVIDE THAT THE TREASURER BE APPOINTED BY THE SCHOOL BOARD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

186:1 Election of Treasurer. Amend Laws of 1967, 566:2 by inserting in line two after the word "officers" the words (except the treasurer,) so that said section as amended shall read as follows:

566:2 Elections. After the effective date of this act, the district shall elect its district officers, except the treasurer, annually at the regular municipal election for the city of Keene held in November in odd numbered years and at the regular biennial election held in said city in November in even numbered years. The election officials for said city shall conduct the election for school district officers under the same provisions that govern the election of city officials. All members of the school board shall be elected at large.

186:2 Treasurer. Amend Laws of 1967, 566 by inserting after section 2 the following new section:

566:2-a [New] Treasurer Appointment and Term. The treasurer shall be appointed by the school board for a term of one year and may be removed by them for cause. Vacancies shall be filled by appointment of the board for the unexpired term. The initial appointment pursuant to this section shall be for a term commencing July 1, 1972.

186: 3 Limitation of Term of Last Elected Treasurer. Notwithstanding any provisions of Laws of 1967, 566, as amended, to the contrary, if the provisions of this act are approved by the voters of the union school district at the municipal election held in November, 1971 the term of office of the school district treasurer elected at said election shall be only from January 1, 1972 to June 30, 1972.

186: 4 Referendum. The clerk of the union school district of Keene shall prepare referendum ballots for use by the voters at the municipal election of the city of Keene to be held in November, 1971, upon which shall be printed the question: "Shall the provisions of an act entitled 'An Act amending the charter of the union school district of Keene to provide that the treasurer be appointed by the school board' enacted by the 1971 session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his choice. Said ballots shall be delivered by the district clerk to the city clerk of the city of Keene, who shall deliver the same to the election officials in the several wards at the same time that ballots for the election of city officials at said election are delivered. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the city election officials in the manner prescribed in RSA 59:69. Ward moderators shall forthwith certify the results of said vote in their respective wards to the district clerk; and the district clerk shall within ten days after said election certify to the secretary of state the result of the vote on said question.

186: 5 Effective Date. Section 4 of this act shall take effect sixty days after its passage and the remaining sections shall take effect when declared adopted as provided in said section.

[Approved June 11, 1971.]

[Effective date. Section 4 of act effective August 10, 1971. Remainder of act effective as provided in section 5.]

CHAPTER 187.

AN ACT TO PROVIDE FOR REVIEW OF AREA SCHOOL PLAN AND WITHDRAWAL AFTER THE THIRD ANNIVERSARY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

187: 1 School Plan Review Board. Amend RSA 195-A:14, I (supp) as inserted by 1963, 277:1 and amended by 1969, 347:2 by striking out in line one the word "fifth" and inserting in place thereof the word (third) so that said paragraph as amended shall read as follows:

I. After the third anniversary of the date of operating responsibility a joint board meeting held under section 5 may vote to establish an area school plan review board. The review board shall consist of three members from the school board of each school district which belongs to the area plan, and such members shall be selected by and from their respective school boards. The review board may also include three members from

the school board of each of any one or more school districts located in proximity to the authorized regional enrollment area. The review board shall organize by the election of a chairman and a clerk, and may adopt rules for the calling and conduct of its meetings. It shall be the duty of the review board to consider the effectiveness of the area school plan as a method for providing improved educational services. If the review board by a majority vote of all its members determines that the area school plan should be modified, it shall submit an amended area school plan to the state board for its approval. An amended area school plan may provide for the addition of one or more new sending districts, the withdrawal of one or more sending districts, the withdrawal of the receiving district and the substitution of a different district as the receiving district, a change in the grades covered by the area plan, or any combination of the foregoing, or for the dissolution of the area; and it shall provide for the equitable adjustment of the rights and responsibilities of each member of the plan, whether present or prospective, with respect to area school facilities. If such provisions include payments from one school district to another, they may be made over a period of not more than ten years, but the obligation to make such payments shall not be deemed indebtedness of the obligor school district for the purpose of determining its borrowing capacity under RSA 33. In addition to the foregoing powers, an area school plan review board may act as a cooperative school district planning board pursuant to section 15 of this chapter; and instead of submitting an amended area school plan, the review board may prepare and recommend the adoption of articles of agreement for a cooperative school district.

187:2 Withdrawal from an Area School Plan. Amend RSA 195-A: 14, III (supp) as inserted by 1963, 277: 1 and amended by 1969, 347: 2 by striking out in line one the word "fifth" and inserting in place thereof the word (third) so that said paragraph as amended shall read as follows:

III. After the third anniversary of the date of operating responsibility a sending district by a two-thirds vote of the legal voters present and voting at an annual school district meeting may vote to withdraw from an area school plan. Such vote shall not take effect until the first day of the second school year following the school year in which the withdrawal vote is passed, but after the passage of the withdrawal vote the withdrawing school district may take any action otherwise permitted by law which is necessary in order to provide adequate school facilities required as a result of the withdrawal vote. If there is any indebtedness which was incurred by the receiving district to finance the capital costs of area schools and which is outstanding when the withdrawal vote takes effect, the sending district shall remain liable to the receiving district for (a) that percentage of the payments of principal and interest of such debt thereafter due which is the same as the percentage for which the sending district was responsible in the school year immediately preceding the effective date of the withdrawal vote, and (b) all amounts of state aid for the purchase or construction of school buildings which are lost by the receiving district after the withdrawal of the sending district as a result of such withdrawal, all as determined by the state board of education. Payments in discharge of the foregoing liability shall be made in accordance with a schedule agreed upon by the school boards of the receiving district and the withdrawing district, or, in the event they fail to agree, as fixed by the state board. Such payments shall be deemed to be trust funds and shall be applied by the receiving district solely in payment of its indebtedness which was incurred to finance area school

facilities and which was outstanding on the effective date of the withdrawal vote. A sending district which withdraws from an area school plan shall thereby forfeit its equity in any area schools.

187:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 188.

AN ACT RELATIVE TO INCREASING THE MEMBERSHIP OF THE ADVISORY COMMISSION ON HEALTH AND WELFARE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

188:1 Advisory Commission; Membership Increased. Amend RSA 126-A: 8 (supp) as inserted by 1961, 222: 1 and amended by 1965, 352: 3 by striking out in line two the word "thirteen" and inserting in its place the word (fourteen) and by inserting in line fifteen after the word "Association" the words (one registered nurse from two or more candidates nominated by the New Hampshire Nurses Association) so that said section as amended shall read as follows:

126-A: 8 Advisory Commission; Establishment. There shall be an advisory commission on health and welfare consisting of fourteen members appointed by the governor and council for a term of five years and until their successors shall be appointed and qualified. The advisory commission shall be comprised of one physician specializing in psychiatry, one pediatrician, and one general practitioner or internist, each of the foregoing to be appointed in each case from two or more candidates nominated for appointment by the New Hampshire State Medical Society, one psychologist from two or more candidates nominated for appointment by the New Hampshire Psychological Association, one social worker from two or more candidates nominated for appointment by the New Hampshire Chapter of the National Association of Social Workers, one dentist from two or more candidates nominated by the New Hampshire Dental Association, one hospital administrator from two or more candidates nominated by the New Hampshire Hospital Association, one registered nurse from two or more candidates nominated by the New Hampshire Nurses Association and six members-at-large who are not members of the medical profession who shall include representatives of nongovernmental organizations or groups concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services to be nominated and appointed by the governor and council, having due regard for their individual background and interest in the field of health and/or welfare. The commissioner of health and welfare will be an additional member of the advisory commission when the commission is performing its duties pursuant to the authority of RSA 151: 11 and RSA 152: 5. Nominations to the governor and council shall be promptly submitted to the end that there shall be the least possible period of less than full membership of

the advisory commission. Whenever nominations to the governor and council from any sources are delayed for longer than a period of thirty days after receipt of notice from the secretary of state that the nominations are required, the governor and council are authorized to appoint without such nomination, but having due regard to the qualifications required of each appointee as set forth herein. Initial appointments by the governor and council shall be as follows: three members for one year, two members for two years, two members for three years, two members for four years, and two members for five years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

188:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 189.

AN ACT PERMITTING ABATEMENT OF UNCOLLECTIBLE INTEREST AND DIVIDEND TAXES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

189:1 Abatement of Uncollectible Tax. Amend RSA 77 by inserting after section 25 the following new section:

77:25-a [New] Uncollectible Taxes. The tax commission may abate any tax or portion thereof assessed under this chapter which in the judgment of the commission is uncollectible.

189:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 190.

AN ACT TO EXCLUDE ANIMALS FROM RESTAURANTS AND STORES THAT SELL FOOD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

190:1 Animals Excluded. Amend RSA 466 by inserting after section 43 the following new sections:

466:44 [New] Restaurants and Food Stores. No person shall bring any animal into any restaurant or any store that sells food and no person shall allow any animal to enter or remain in any restaurant or in any store

that sells food, except for seeing-eye dogs leading blind persons. Whoever violates the provisions of this section shall be fined not more than twenty-five dollars.

466:45 [New] Responsibility of Cities and Towns. Every city and town shall inform every restaurant and every store that sells food in such city or town of the provisions of section 44 hereof.

190:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 191.

AN ACT PROVIDING THAT BOW NETS AND DIP NETS MAY BE USED IN CERTAIN RIVERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

191:1 Bow Nets and Dip Nets. Amend RSA 211:48 (supp) as amended by 1959, 306:2 and 1969, 207:1 by striking out the same and inserting in place thereof the following:

211:48 Seines, Nets and Weirs. No person shall use a seine or net or weir for the taking of salt water smelt in Great Bay, Little Bay, Piscataqua River, Squamscot River, Oyster River, Bellamy River, Lamprey River and their tributaries, except that salt water smelt may be taken by the use of a bow net in the Oyster River, the Squamscot River, Bellamy River and Lamprey River only, and by dip net held in hand in the Bellamy River, Oyster River, Lamprey River and Squamscot River only, provided that any person who at any time during the three years immediately preceding the enactment of this act has owned and operated a weir or weirs for taking of salt water smelt in these waters and who files the information hereinafter required with the director, fish and game, within ninety days after enactment of this act, may continue to operate said weir or weirs in the same location or locations and to no greater extent and in no larger size than he has previously operated during that three-year period. The information to be filed as provided herein shall include name and address of the owner and operator of the weir or weirs, the location, length and description of same and such other information as the director, fish and game, may require to establish the facts as to the person's prior ownership and operation and his right to continue to operate.

191:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 192.

AN ACT PROVIDING A CLOSED SEASON FOR SALT WATER SMELT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

192:1 Smelt Season. Amend RSA 211:46 as amended by 1959, 306:1 by striking out said section and inserting in place thereof the following:

211:46 Salt Water Smelt. No person shall take salt water smelt from the ocean waters under the jurisdiction of the state of New Hampshire or from the inland waters north of the Memorial Bridge, so-called, over the Piscataqua River from April fifteenth to July first. Salt water smelt may be bought and sold during the open season therefor.

192:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 193.

AN ACT RELATIVE TO THE ENFORCEMENT OF REGULATIONS OF THE DIRECTOR, DIVISION OF WELFARE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

193:1 Daily Violation. Amend RSA 170:18 as amended by 1961, 221:1 by inserting at the end of said section the following: (Each day a violation continues to exist shall constitute a separate offense. In addition, the director of the division of welfare may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation hereof, or of the regulations adopted hereunder, or of any ruling made by him pursuant to RSA 170:5, and the court shall adjudge relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this chapter and the regulations adopted in the orders and rulings made pursuant hereto) so that said section as amended shall read as follows:

170:18 Penalty. Whoever violates the provisions of this chapter, or any rule or regulation of the division of welfare pursuant thereto, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. Each day a violation continues to exist shall constitute a separate offense. In addition, the director of the division of welfare may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation hereof, or of the regulations adopted hereunder, or of any ruling made by him pursuant to RSA 170:5 and the court shall adjudge relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this chapter and the regulations adopted in the orders and rulings made pursuant hereto.

193:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 194.

AN ACT TO AMEND THE CHARTER OF NEW ENGLAND COLLEGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

194:1 Charter Amended. Amend Laws of 1947, Chapter 376 as as amended by Laws of 1949, Chapter 396 by inserting after section 1 the following new sections:

1-a. Financing. The college may borrow, finance and otherwise acquire from banks, financial institutions, governmental agencies, both state or federal, domestic or foreign, or from private or public foundations or from any other equitable sources such monies, assets, property, resources and the like as it from time to time may require in furtherance of its educational programs; and said college may secure the same by notes, bonds, indentures and all other lawful type of security instruments and devices together with the authority or right of mortgaging, pledging, assigning, hypothecating, or otherwise transferring, dedicating or applying the property of the college or any interest therein whether real, personal or mixed as security for the same.

1-b. Power to Acquire Property. The college may purchase, acquire, own, lease, operate, or otherwise use land, buildings, property and facilities or interests therein both within the state of New Hampshire or otherwise in the United States or foreign countries and therein conduct, maintain, provide and undertake the furtherance of its educational program as a subsidiary, branch or adjunct to the operation of the college at its principal place of business; and the college may from time to time, sell, transfer, lease, assign and otherwise dispose of such property or interest therein as it may no longer need, require or utilize in the carrying out of its duly authorized functions.

194:2 Effective Date. This act shall take effect upon passage.

[Approved June 11, 1971.]

[Effective date June 11, 1971.]

CHAPTER 195.

AN ACT INCREASING THE PENALTIES FOR THROWING TRASH ON HIGHWAYS OR HIGHWAY RIGHT-OF-WAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

195:1 Increasing Penalty for Dumping Refuse. Amend RSA 262-A:83 as amended by 1959, 50:1 and 306:4 and 1963, 330:1 by adding in

line three after the word "highway," the words (highway right-of-way,) and by striking out in line eight the word "twenty-five" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows:

262-A: 83 Throwing, Depositing and Dumping of Refuse; Penalty. If any person shall put or place, or cause to be put or placed, in or upon any highway, highway right-of-way, street, square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public water, streams or water-course or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever or any noxious thing, he shall be fined not less than fifty nor more than one hundred dollars. Provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

195: 2 Evidence of Violation. Amend RSA 262-A by inserting after section 83 the following new section:

262-A: 83-a [New] Evidence. When any violation of RSA 262-A: 83 has been observed by any person, and the matter disposed of has been ejected from a motor vehicle, such observation is prima facie evidence that the operator of such motor vehicle has committed the violation.

195: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 196.

AN ACT RELATIVE TO FEES FOR REGISTRATION AS PROFESSIONAL ENGINEER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

196: 1 Fees. Amend RSA 319: 19 as amended by 1959, 38: 5 and 1965, 168: 5 by striking out in line seven the words "thirty dollars, fifteen" and inserting in place thereof the words (forty dollars, twenty), by striking out in line eight the word "fifteen" and inserting in place thereof the word (twenty) and by striking out in line eleven the words "seven dollars and fifty cents" and inserting in place thereof the words (ten dollars) so that said section as amended shall read as follows:

319: 19 Applications and Registration Fees. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience. The registration fee for professional engineers shall be forty dollars, twenty dollars of which shall accompany the application, the remaining twenty dollars to be paid upon issuance of certificate. Application to take the examination in fundamental engineering

subjects prior to completion of the requisite years of experience in engineering work shall be accompanied by a fee of ten dollars. This amount shall be credited against the total fee required for registration as a professional engineer. Should the board deny the issuance of the certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

196:2 Candidates Failing Examinations. Amend RSA 319:20 by striking out said section and inserting in place thereof the following:

319:20 Examinations. When oral or written examinations are required, they shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years. The board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that he has passed the examination and that his name has been recorded as an engineer-in-training. The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. A candidate failing an examination may apply for re-examination at the expiration of six months and will be re-examined upon payment of an additional fee of ten dollars. Subsequent examination may be granted by the board upon reapplication and the payment of fees as set forth in RSA 319:19.

196:3 Certain Renewal Fees. Amend RSA 319:22-a (supp) as inserted by 1959, 38:7 and amended by 1965, 168:4 and 1967, 425:2 by striking out said section and inserting in place thereof the following:

319:22-a Determination of Fee. The board shall annually, prior to the first day of December in each year, beginning in 1967, determine the normal annual fee to be paid for renewals of certificates. Said normal renewal fee for individual registrants shall be not less than four dollars nor more than ten dollars and for corporation or partnership authorization shall be not less than fifteen dollars nor more than twenty-five dollars.

196:4 Expirations and Renewals. Amend RSA 319:22, I (supp) as amended by 1959, 38:6; 1965, 168:3 and 1967, 330:4 by striking out in line twenty-three the word "fifteen" and inserting in place thereof the word (twenty) so that said paragraph as amended shall read as follows:

I. Certificates of registration, and certificates of authorization for corporations and partnerships, including those in effect on the effective date of this act, shall expire each year on December thirty-first and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this act, and every corporation and partnership holding a certificate of authorization under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year and the charges for delayed renewal; such notice shall be mailed to the registrant at the last known address at least one month in advance of the date of the expiration

of said certificate. Renewal may be effected at any time during the month of December by the payment of the normal renewal fee as determined by the board. The failure on the part of any registrant to renew a certificate annually in the month of December as required above shall not deprive such person or entity of the right of renewal but the fee to be paid for the renewal of a certificate after the month of December and before the first day of May of the following year shall be one and one half times the normal renewal fee, and, on and after said first day of May the fee to be paid shall be twice the normal renewal fee. The right of renewal shall be limited to a period of two years from the date of expiration of a certificate. After this period the certificate of a former registrant shall become null and void, but may be reinstated by the board after reapplication, payment of a fee of twenty dollars, and after approval of the board. The board, at its discretion, may re-examine said former registrant.

196:5 Interstate Registration. Amend RSA 319:25 as amended by 1959, 38:8 and 1965, 168:6 by striking out in line two the words "thirty dollars" and inserting in place thereof the words (forty dollars, twenty dollars of which shall accompany the application) so that said section as amended shall read as follows:

319:25 Interstate Registration. The board may, upon application therefor, and the payment of a fee of forty dollars, twenty dollars of which shall accompany the application, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Bureau of Engineering Registration, or of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this act and the rules established by the board.

196:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 197.

AN ACT RELATIVE TO THE POWER OF THE NEW ENGLAND AERONAUTICAL INSTITUTE, HESSER COLLEGE, McINTOSH COLLEGE, WHITE PINES COLLEGE, FRANCONIA COLLEGE, CONCORD COLLEGE, PIERCE COLLEGE AND NEW HAMPSHIRE COLLEGE, TO GRANT DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

197:1 New England Aeronautical Institute. Amend section 1, chapter 511, Laws of 1967, as amended by 1969, 555:1 by striking out said section and inserting in place thereof the following:

511:1 Authority Granted. New England Aeronautical Institute is hereby authorized to confer upon the graduates thereof the degrees of

associate in aeronautical engineering and associate in aeronautical administration. The said institute conducting a division under the name of Daniel Webster Junior College, as authorized by 1970, 68: 4 is authorized to confer upon the graduates thereof the degree of associate of arts through June 30, 1973, subject to the continuing approval of the coordinating board of advanced education and accreditation.

197: 2 Hesser College. Amend section 1, chapter 508, Laws of 1967, as amended by 1969, 551: 1 by striking out said section and inserting in place thereof the following:

508: 1 Authority Granted. The Hesser College, formerly Hesser Business College, conducted by Hesser, Inc., an educational institution is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from June 1, 1971 to June 30, 1973.

197: 3 McIntosh College, Inc. Amend section 1, chapter 472, Laws of 1965, as amended by 1969, 573: 1 by striking out said section and inserting in place thereof the following:

472: 1 Authority Granted. The college conducted by the McIntosh College, Inc., an educational institution, is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from June 30, 1971 to June 30, 1975.

197: 4 White Pines College. Amend section 1, chapter 556, Laws of 1969, by striking out said section and inserting in place thereof the following:

556: 1 Authority Granted. White Pines College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain in the town of Chester an institute of learning, to prescribe the rules for the government of said college and the courses of studies therein and to confer upon the graduates thereof the degree of associate of arts for the period from July 1, 1971 to June 30, 1975, provided that it receives the approval of the coordinating board of advanced education and accreditation.

197: 5 Franconia College. Franconia College, a corporation organized under general law October 20, 1885, under the name of Dow Academy, is hereby authorized to confer upon the graduates thereof the associate in arts degree and the bachelor of arts degree for the period from June 1, 1971 to June 30, 1975.

197: 6 Repeal. Chapter 457, Laws of 1967, relative to Franconia College is hereby repealed.

197: 7 Concord College. Amend section 1, chapter 587, Laws of 1969, by striking out said section and inserting in place thereof the following:

587: 1 Authority Granted. The Concord College, formerly Concord Commercial College, an educational institution conducted in Manchester, New Hampshire is hereby authorized to confer upon the graduates thereof the degrees of associate in business administration and associate in computer science for the period from June 1, 1971 to June 30, 1973.

197: 8 Pierce College. Amend section 1, chapter 571, Laws of 1969, by striking out said section and inserting in place thereof the following:

571:1 Pierce College for Women. Pierce College for women, a voluntary corporation organized under the general law and conducting its business in Concord, New Hampshire as an educational institution, is hereby authorized to confer upon the graduates therefrom the degree of associate in business science for the period from June 1, 1971 to June 30, 1973.

197:9 Revocation of Authorization. Upon a finding by the coordinating board of advanced education and accreditation that the educational standards of an institution, which has been authorized by sections 1, 2, 3, 4, 5, 7, 8, or 10 to grant certain degrees, have seriously deteriorated below those in existence at said institution on the effective date of this act or below those commonly acceptable for like institutions, if the general court is not then in session the governor and council may, upon the request of the coordinating board and the report of its finding, suspend and revoke such authority for the balance of the period for which it was authorized.

197:10 Authorization to Confer Degrees. Amend Laws of 1963, 428:1, as amended by Laws of 1969, 579:1 by striking out said section and inserting in place thereof the following:

428:1 Authority Granted. New Hampshire College, a voluntary corporation organized pursuant to the provisions of RSA 292, a successor corporation to N.H. College of Accounting & Commerce, Inc. and N.H. College of Accounting & Commerce, is hereby authorized to confer upon the graduates therefrom the following degrees: Associate in Science, Bachelor of Science, and Master of Business Administration, and to give customary honorary recognition to outstanding individuals for noteworthy achievement. The granting of the master of business administration shall be subject to approval by the coordinating board of advanced education and accreditation and shall be not before June 1, 1973.

197:11 Report of Progress at Franconia College. The coordinating board of advanced education and accreditation shall submit a written report concerning the progress of Franconia College during the period of its degree-granting status and shall recommend action be taken relative to said powers by the 1975 session of the general court.

197:12 Effective Date. This act shall take effect upon its passage.

[Approved June 11, 1971.]

[Effective date June 11, 1971.]

CHAPTER 198.

AN ACT TO AMEND THE NEW HAMPSHIRE HIGHER EDUCATIONAL AND HEALTH FACILITIES LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

198:1 Change of Name. Amend RSA 195-D:2 (supp) as inserted by 1969, 318:1 and amended by 1970, 16:2 by striking out said section and inserting in place thereof the following:

195-D:2 Citation. This chapter as amended may be referred to as and cited as the "New Hampshire Higher Educational and Health Facilities Authority Act".

198:2 Definition. Amend RSA 195-D:3, II (supp) as inserted by 1969, 318:1 and amended by 1970, 16:4 by striking out said paragraph and inserting in place thereof the following:

II. "Project".

(a) In the case of a participating institution for higher education, means any structure designed for use as a dormitory or other housing facility, dining facility, student union, academic building, administrative facility, library, classroom building, research facility, faculty office facility, athletic facility, health care facility, laboratory, maintenance, storage or utility facility or other building or structure essential, necessary or useful for instruction in a program of education provided by an institution for post-secondary education or higher education, or any multi-purpose structure designed to combine two or more of the functions performed by the types of structures enumerated above, and shall include all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements, machinery and equipment, and all other appurtenances and facilities either on, above or under the ground which are used or usable in connection with any of the aforementioned structures, and shall also include landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but shall not include such items as books, fuel, supplies, or other items which are customarily considered as a current operating charge and;

(b) In the case of a participating hospital, means any structures designed for use as a hospital, clinic, or other health care facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in such hospital, doctors' office building, administration building, research facility, maintenance, storage, or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of a hospital, including parking and other facilities or structures essential or convenient for the orderly conduct of such hospital, and shall include all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements, parking lots, machinery and equipment, and all other appurtenances and facilities either on, above or under the ground which are used or usable in connection with any of the aforementioned structures, and shall also include landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as food, fuel, supplies, or other items which are customarily considered as a current operating charge.

198:3 Cost. Amend RSA 195-D:3, III (supp) as inserted by 1969, 318:1 by striking out said paragraph and inserting in place thereof the following:

III. "Cost" as applied to a project or any portion thereof financed under the provisions of this chapter shall mean the cost of construction, building, acquisition, equipping, alteration, enlargement, reconstruction and remodeling of a project and acquisition of all lands, structures, property, real or personal, rights, rights-of-way, franchises, easements, and interests acquired, necessary, used for, or useful for or in connection with a proj-

ect and all other undertakings which the corporation deems reasonable or necessary for the development of a project, including but not limited to the cost of demolishing or removing any buildings or structures on land so acquired, the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and if judged advisable by the corporation, for a period after completion of such construction the cost of financing the project, including interest on bonds and notes issued by the corporation to finance the project; provisions for working capital; reserves for principal and interest and for extensions, enlargements, additions and improvements; cost of architectural, engineering, financial, legal or other special services, plans, specifications, studies, surveys, estimates of cost and revenues; administrative and operating expenses; expenses necessary or incident to determining the feasibility or practicability of constructing the project; and such other expenses necessary or incident to the construction and acquisition of the project, the financing of such construction, and acquisition and the placing of the project in operation.

198:4 Mortgage. Amend RSA 195-D:3, VI (supp) as inserted by 1969, 318:1 by striking out said paragraph and inserting in place thereof the following:

VI. "Participating institution for higher education" means an institution for post-secondary education or higher education which, pursuant to the provisions of this chapter undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of bonds or other obligations or of a mortgage or of advances as provided in and permitted by this chapter.

198:5 Hospital. Amend RSA 195-D:3, VII (supp) as inserted by 1970, 16:6 by striking out said paragraph and inserting in place thereof the following:

VII. "Hospital" means any nonprofit hospital located within and incorporated under the laws of the state which is licensed by the department of health and welfare.

198:6 Definition. Amend RSA 195-D:3, VIII (supp) as inserted by 1970, 16:6 by striking out said paragraph and inserting in place thereof the following:

VIII. "Participating hospital" means a hospital which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of bonds or obligations or of a mortgage or of advances as provided by this chapter.

198:7 Notes. Amend RSA 195-D:8 (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

195-D:8 Notes of the Corporation. The corporation has the power and is hereby authorized from time to time to issue its negotiable notes for any corporate purpose, including the payment of all or any part of the cost of any project, and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The corporation may issue notes partly to renew notes or to

discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the corporation or any issue thereof may contain any provisions which the corporation is authorized to include in any resolution or resolutions authorizing revenue bonds of the corporation or any issue thereof, and the corporation may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the corporation, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

198:8 Bonds. Amend RSA 195-D:9, I (supp) as inserted by 1969, 318:1 by striking out said paragraph and inserting in place thereof the following:

I. The corporation is authorized to issue its negotiable revenue bonds from time to time for the purpose of financing all or a part of the cost of any projects permitted hereby.

198:9 Financing. RSA 195-D:9, III (supp) as inserted by 1969, 318:1 by striking out said paragraph and inserting in place thereof the following:

III. The revenue bonds and notes of every issue shall be payable solely out of revenue of the corporation, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues. Notwithstanding that revenue bonds and notes may be payable from a special fund, if they are otherwise of such form and character as to be negotiable instruments under the terms of the uniform commercial code of the state the revenue bonds and notes shall be and are hereby made negotiable instruments within the meaning of and for all purposes of the uniform commercial code, subject only to the provisions of the revenue bonds and notes for registration.

198:10 Exemption. Amend RSA 195-D:15 (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

195-D:15 Exemption from Taxation. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and will constitute the performance of an essential governmental function, and neither the corporation nor its agent shall or may be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the corporation or its agent or under the jurisdiction, control, possession or supervision of the same or upon the activities of the corporation or its agent in the operation or maintenance of the project under the provisions of this chapter, or upon income or other revenues received therefrom, and any bonds, notes and other obligations issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, as well as the income and property of the corporation, are at all times exempt from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state.

198:11 Report. Amend RSA 195-D:18 (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

195-D: 18 Annual Report and Audit.

I. Within four months after the close of each fiscal year of the corporation, it shall make a report to the governor and council of its activities for such preceding fiscal year and such report shall set forth a complete operating and financial statement covering the corporation's operations during the preceding fiscal year including a complete and detached report setting forth:

- (a) Its operations and accomplishments;
- (b) Its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by the corporation for its operating and capital outlay purposes;
- (c) Its assets and liabilities at the end of its fiscal year; and
- (d) A schedule of its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year.

II. The corporation shall cause an audit of its books and accounts to be made at least once each fiscal year by certified public accountants and the cost thereof shall be paid by the corporation from funds available to it pursuant to this chapter.

198: 12 Procedure. Amend RSA 195-D: 21 (supp) as inserted by 1969, 318: 1 amended by 1970, 16: 22 and 23 by striking out said section and inserting in place thereof the following:

195-D: 21 Procedure Before Issuance of Bonds.

I. Notwithstanding any other provision of this chapter, the corporation is not empowered to undertake any project authorized by this chapter unless, prior to the issuance of any bonds hereunder, the governor and his council, or their designee, have found after a hearing thereon that:

(a) The construction and acquisition of such project will enable or assist an institution for post-secondary or higher education to provide education within the state or a hospital to provide health care facilities within the state; and

(b) Such project will be leased to, or owned by, a financially responsible institution for post-secondary or higher education or a financially responsible hospital within the state; and

(c) Adequate provision has been, or will be, made for the payment of the cost of the construction and acquisition of such project and that under no circumstances will the state be obligated directly or indirectly, for the payment of the principal of, or interest on, any obligations issued to finance such construction and acquisition; and

(d) Adequate provision has been, or will be, made in any lease of the project for the payment of all costs of operation, maintenance and upkeep of such project by the lessee, sublessee, or occupant so that under no circumstances will the state be obligated, directly or indirectly, for the payment of such costs; and

(e) Adequate provision has been made to obligate an institution for post-secondary education or higher education to hold and use the project for educational purposes or to obligate a hospital to hold and use the project for health care purposes so long as the principal of and interest on bonds or other obligations issued by the corporation to finance the cost of such project or projects, including any refunding bonds issued to refund and refinance such bonds, have not been fully paid and retired and all

other conditions of the resolution or trust agreement authorizing and securing the same have not been satisfied and the lien of such resolution or trust agreement has not been released in accordance with the provisions thereof; and

(f) The construction and acquisition of such project or projects will be within the authority conferred by this chapter upon the corporation; and

(g) The construction and acquisition of such project or projects serves a need presently not fulfilled in providing education or health care and hospital facilities within the state and is of public use and benefit.

198:13 Pledge. Amend RSA 195-D:22 (supp) as inserted by 1969, 318:1 by striking out said section and inserting in place thereof the following:

195-D:22 Agreement of the State. The state does hereby pledge to and agree with the holders of any bonds, notes and other obligations issued under this chapter, and with those parties who may enter into contracts with the corporation pursuant to the provisions of this chapter, that the state will not limit, alter, restrict, or impair the rights hereby vested in the corporation and the participating institutions for post-secondary or higher education and the participating hospitals to acquire, construct, reconstruct, maintain and operate any project as defined in this chapter or to establish, revise, charge and collect rates, rents, fees and other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds, notes or other obligations authorized and issued by this chapter, and with the parties who may enter into contracts with the corporation pursuant to the provisions of this chapter, or in any way impair the rights or remedies of the holders of such bonds, notes or other obligations or such parties until the bonds, notes and such other obligations, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged and such contracts are fully performed on the part of the corporation. However, nothing in this chapter precludes such limitation or alteration if and when adequate provision is made by law for the protection of the holders of such bonds, notes or other obligations of the corporation or those entering into such contracts with the corporation. The corporation is authorized to include this pledge and undertaking for the state in such bonds, notes or other obligations or contracts.

198:14 No Notice. Amend RSA 195-D:23 (supp) as inserted by 1969, 318:1, amended by 1970, 16:24 by striking out said section and inserting in place thereof the following:

195-D:23 Act Cumulative; No Notice Required. Neither this chapter nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the New Hampshire higher educational and health facilities authority might otherwise have under any laws of this state, and this chapter is cumulative of any such powers. This chapter does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. However, the issuance of revenue bonds, notes and other obligations and revenue refunding bonds under the provisions of this chapter need

not comply with the requirements of any other state law applicable to the issuance of bonds, notes and other obligations and contracts for the construction and acquisition of any project undertaken pursuant to this chapter need not comply with the provisions of any other state law applicable to contracts for the construction and acquisition of state owned property. No proceedings, notice or approval shall be required for the issuance of any bonds, notes and other obligations or any instrument as security therefor, except as is provided in this chapter.

198:15 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1971.]

[Effective date August 10, 1971.]

CHAPTER 199.

JOINT RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION FOR THE RACING COMMISSION.

Resolved by the Senate and House of Representatives in General Court convened:

That in order to defray racing commission expenses arising relative to the harness race meet to be conducted at the Rochester Raceway, Inc. commencing May 24, 1971, the following sums are appropriated to the racing commission for the fiscal year ending June 30, 1971 for the following purposes:

Harness Racing:

Personal Services:

Permanent	\$ 600
Other	20,452
Current Expenses	1,100
Equipment	1,000

Net supplemental appropriation \$23,152

These sums are in addition to any other sums appropriated for the same purposes. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved June 16, 1971.]

CHAPTER 200.

AN ACT RELATIVE TO OPERATING SNOW TRAVELING VEHICLES IN THE VICINITY OF ICE FISHERMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

200:1 Interference With Ice Fishing. Amend RSA 269-B:13 (supp) as inserted by 1969, 488:1 by inserting after paragraph V the following new paragraph:

VI. No person shall operate a snow traveling vehicle upon any lake or pond being used by ice fishermen closer than one hundred fifty feet to any occupied so-called bobhouse, fishing shanty or fishing hole other than the one which he occupies. The provisions of this section shall not apply to any person engaged in emergency rescue operations or public service of any description or persons entering upon or leaving the ice.

200:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 201.

AN ACT RELATIVE TO THE COLOR OF HIGHWAY YIELD SIGNS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

201:1 Repeal. RSA 249:5-a, I as inserted by 1955, 178:2 relative to the design of the yield right-of-way sign is hereby repealed.

201:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 202.

AN ACT SETTING MINIMUM SPEED LIMITS ON CERTAIN HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

202:1 Minimum Speed Established. Amend RSA 262-A:57, I, as amended by 1955, 119:1 and 1963, 330:1 by striking out said paragraph and inserting in place thereof the following:

I. No person shall drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Under this provision a minimum speed limit of forty-five miles per hour shall be posted and prevail on the interstate highway system in the state.

202:2 Effective Date. This act shall take effect ninety days after its passage.

[Approved June 18, 1971.]

[Effective date September 16, 1971.]

CHAPTER 203.

AN ACT NAMING LOON MOUNTAIN ROAD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

203:1 Loon Mountain Road. The highway which connects the Kancamagus highway in Lincoln with route 3 in North Woodstock is hereby named Loon Mountain Road.

203:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 204.

AN ACT RELATIVE TO THE EXPIRATION DATE OF HUNTING AND FISHING LICENSES ISSUED TO MILITARY PERSONNEL AND OTHERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

204:1 Date of Expiration of License. Amend RSA 214:3 (supp) as amended by 1955, 100:1; 1957, 267:3; 1961, 161:1 and 1969, 10:1 by striking out in line twelve the words "January first" and inserting in place thereof the words (December thirty-first) so that said section as amended shall read as follows:

214:3 —Member of Armed Forces. Any resident of this state who is on regular active duty with any branch of the armed forces of the United States, and who was a legal resident prior to entry into said armed forces, and who is stationed outside the state of New Hampshire, may make application to the director of the fish and game department or his designated agent for a special license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish and salt water smelt, under the restrictions of title XVIII of the Revised Statutes Annotated, except as otherwise provided in this section. The special license shall terminate immediately upon the termination of the service of the licensee in such armed forces, and in any event any such license shall expire on December thirty-first next following its issuance. There shall be no fee for such license.

204:2 Termination of Licenses. Amend RSA 214:5 by striking out in line four the words "January first" and inserting in place thereof the words (December thirty-first) so that said section as amended shall read as follows:

214:5 —Termination of Licenses. Any license issued under the provisions of this chapter shall terminate immediately upon the termination of the service of the licensee in such armed forces, and in any event any such license shall expire on December thirty-first next following its issuance.

204:3 Date of Expiration. Amend RSA 214:36 by striking out in line two the words "January first" and inserting in place thereof the words (December thirty-first) so that said section as amended shall read as follows:

214:36 Date of Expiration; Not Transferable. All licenses provided for in this title shall expire on December thirty-first next following their issuance, and shall not be transferable.

204:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 205.

AN ACT INCLUDING PARAPLEGICS IN THE GROUP OF VETERANS NOT
PAYING A FEE FOR REGISTRATION OF THEIR MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

205:1 No Fee for Paraplegics. Amend RSA 262:1, XIII-a as inserted by 1959, 23:1 by striking out said paragraph and inserting in place thereof the following:

XIII-a. No fee shall be charged for registering one motor vehicle owned by any person who became an amputee or paraplegic while a member of the United States armed forces, and whose disability is rated as service-connected, as certified by the veterans administration.

205:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 206.

AN ACT INCLUDING PARAPLEGICS IN THE GROUP OF VETERANS NOT
PAYING A FEE FOR A LICENSE TO OPERATE A MOTOR VEHICLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

206:1 No Fee for Paraplegics. Amend RSA 262:11, IV by striking out said paragraph and inserting in place thereof the following:

IV. No fee shall be charged for an operator's license issued to a disabled veteran who because of being an amputee or a paraplegic, has received a motor vehicle from the United States government.

206:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 16, 1971.]

[Effective date August 17, 1971.]

CHAPTER 207.

AN ACT RELATIVE TO THE INTEREST ON DEPOSITS IN CREDIT UNIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

207:1 Credit Union Reports. Amend RSA 394:42, as amended by 1961, 258:4, 1963, 306:11 and 1967, 144:2 by striking out said section and inserting in place thereof the following:

394:42 Declaring.

I. At the annual meeting the board of directors shall report to the members the rate of dividend paid from income which has been actually collected during the dividend period next preceding, and which remains after the deduction of all expenses, interest on deposits not exceeding five per cent per annum and the amount required to be set apart as a guaranty fund, or that such dividend was paid in whole or in part from undivided earnings of preceding years, not to exceed twenty per cent thereof in any one year; provided that such earnings are a part of the surplus of the union in excess of all requirements of the guaranty fund.

II. Notwithstanding the limitation of five per cent per annum for interest on deposits as set forth in paragraph I interest on deposits exceeding five per cent may be paid pursuant to the rules and regulations of the Federal Deposit Insurance Corporation pertaining to interest paid on deposits by savings banks. At such time as the National Credit Union Administration may establish rules pertaining to interest on deposits such rules would prevail for credit unions insured by the National Credit Union Administration in lieu of the rules and regulations of the Federal Deposit Insurance Corporation pertaining to interest paid on deposits by savings banks.

207:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 208.

AN ACT RELATIVE TO ENABLING LOCAL MUNICIPALITIES TO
APPROPRIATE FUNDS FOR ASSISTANCE TO THE AGED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

208:1 Establishment of Programs for the Aged. Amend RSA 167-A by inserting after section 9 (supp) the following new section:

167-A:10 [New] Establishment of Programs by Municipality. Any city, county or town, upon consultation with the director of the council on aging, may establish a community program on the aging and provide a staff therefor, pursuant to RSA 31:4. Such programs may be administered by a city, county or town and the municipality may appropriate funds therefor.

208:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 209.

AN ACT AUTHORIZING THE PROSECUTION TO TAKE DEPOSITIONS OF CERTAIN WITNESSES IN CRIMINAL CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

209:1 Taking of Depositions by the Prosecution. Amend RSA 517 by inserting after section 14 the following new subdivision:

By Prosecution [New]

517:14-a Deposition Authorized. The attorney general or a county attorney conducting the prosecution in a criminal case may take the deposition of any witness the prosecution intends to call at the trial, if it is determined by a justice of the superior that:

I. The defendant in the case in which the deposition is sought has been bound over to the grand jury or has been indicted, and

II. There is reason to believe the life or safety of the witness is endangered because of his willingness or ability to testify, and the testimony expected from the witness is material to the prosecution of the case.

517:14-b Petition to Superior Court. The prosecution desiring to take the deposition of such witness shall present a petition to any justice of the superior court, which petition shall be in writing and under oath, briefly setting forth facts which indicate that the requirements of paragraphs I and II of section 14-a have been satisfied. The justice may grant the petition upon receipt thereof or may require further evidence of its allegations. If further evidence is required, such evidence may be received without notice to or appearance by the defendant or his counsel.

517:14-c Court Order. If the justice determines that the allegations of the petition are substantiated by the petition itself or by any other evidence, he shall issue an order requiring that the person whose deposition is sought present himself at a fixed time and date before a justice of the superior court of the county in which the trial will be held for the purpose of giving his deposition. Said order shall also require the defendant and his counsel to be present at the taking of the deposition. If the defendant is without counsel at the time the petition under RSA 517:14-b is filed, the court shall be notified of such in the petition and shall appoint counsel to represent the defendant at the deposition. For the purposes of this section, counsel who represented the defendant at a probable cause hearing shall continue to represent the defendant at such deposition unless the defendant obtains new counsel.

517:14-d Time, Notice, etc. The date fixed for the deposition shall be no more than fourteen days from the time the petition is received by the clerk of court except that this time may be extended upon request

of the prosecution only. Notice of the court's order, together with a copy of the original petition filed by the prosecution, shall be served upon the defendant and his counsel at least seventy-two hours before the time fixed for the taking of the deposition.

517:14-e Record. The justice presiding at a deposition taken under the provisions of this subdivision shall cause a record to be made of the proceedings and shall cause a copy thereof to be furnished to the defendant. Such record or a copy thereof may be used in the trial of the case whenever in the discretion of the court the use thereof shall be deemed necessary for the promotion of justice.

209:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 210.

AN ACT RELATIVE TO THE VOLUNTARY RETIREMENT OF SUPREME AND SUPERIOR COURT JUSTICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

210:1 Justices; Voluntary Retirement at Age Sixty-five. Amend RSA 493 by inserting at the end thereof the following new section:

493:3 [New] Optional Retirement. Any supreme or superior court justice who has attained the age of sixty-five years may retire. He shall give six months' notice of his intention to retire to the chief justice of his court and to the governor and council. If a chief justice wishes to retire, he shall give six months' notice of his intention to retire to the senior associate justice of his court and to the governor and council. The vacancy created by the retirement of a justice shall be filled according to law.

210:2 Qualification as a Judicial Referee. Amend RSA 493-A:1, as inserted by 1961, 174:1 by inserting in line three after the word "limitation" the following (or voluntary retirement) so that said section as amended shall read as follows:

493-A:1 Judicial Referees, Powers and Duties. Each justice of the supreme or superior court who shall hereafter be retired therefrom by reason of age limitation or voluntary retirement after having served on either or both of said courts prior to such retirement for an aggregate period of ten or more years however combined and whether before or after the passage of this act shall upon retirement become a judicial referee. A judicial referee may be assigned to hear and determine particular cases in either court or may be assigned by the chief justice of the superior court to assist a presiding justice of said court in any county in the general disposition of any matters pending in such court; provided however that he shall not be authorized to preside at trials by jury or to enter judgments. A judicial referee shall have authority to administer oaths. In addition to any powers hereby granted, he shall

have all the powers of a referee, auditor, or master as provided by statute or rule of court, and the procedure in hearings before him shall be the same as is or may be provided by applicable law or rule of court. Judicial referees shall be allowed actual expenses and office rent as provided for justices of the superior court. They shall be subject to the same disqualifications with respect to the practice of law as are provided by RSA 492: 1.

210: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 211.

AN ACT RELATIVE TO THE INCLUSION OF CERTAIN PUPILS FROM
PARTIALLY CLOSED NONPUBLIC SCHOOLS IN THE COMPUTATION
OF STATE AID DUE SCHOOL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

211: 1 Pupils Included. Amend RSA 198: 20 (supp) as inserted by 1969, 104: 14 by inserting after the word "school" in line two the words (or a portion thereof) so that said section as amended shall read as follows:

198: 20 [New] Closing of Nonpublic Schools. Whenever a nonpublic school, or a portion thereof, closes and any of its pupils become enrolled in the public schools, the state board in determining eligibility for any form of state aid computed wholly or in part on the basis of average daily membership of pupils may count these newly enrolled pupils as though they had been in average daily membership at the public schools of the district during the preceding school year.

211: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 212.

AN ACT AUTHORIZING TOWNS TO MAKE BY-LAWS RELATING TO
HAZARDOUS PITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

212: 1 Hazardous Pits. Amend RSA 31 by inserting after section 41-a (supp) the following new section:

31: 41-b [New] Hazardous Pits. Towns shall have the power to make by-laws regulating land excavation for the protection of the health

or safety of the public, and may enforce the observance of such by-laws through suitable penalties not exceeding fifty dollars for each offense, to inure to such uses as said town may direct.

212:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 213.

AN ACT REVISING THE APPLICATION OF THE IMPLIED CONSENT LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

213:1 Test of Blood. Amend RSA 262-A: 69-a (supp) as inserted by 1965, 238: 1, and amended by 1969, 119: 2 and 1971, 64: 1, by striking out said section and inserting in place thereof the following:

262-A: 69-a Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to a chemical test or tests of any or all or any combination of the following: blood, urine, or breath, for the purpose of determining the alcoholic or controlled drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or controlled drugs, provided, however, any person who is afflicted with hemophilia, diabetes or any condition requiring the use of an anticoagulant under the direction of a physician shall not be deemed to have given consent to the withdrawal of his blood provided that any arrested person who refuses to give consent to the taking of his blood under this provision shall not be exempt from the provisions of RSA 262-A: 69-e unless he satisfies the director of motor vehicles after notice and hearing that he is afflicted with such a condition. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor or controlled drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within forty-eight hours of receipt of the report by the agency by registered mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

213:2 Refusal to Consent to Such a Test. Amend RSA 262-A: 69-e (supp) as inserted by 1965, 238:1 and amended by 1969, 119:3 by striking out in line nine the words “, narcotics or” and inserting in place

thereof the words (or controlled) so that said section as amended shall read as follows:

262-A: 69-e Refusal of Consent. If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement officer as provided in section 69-a, none shall be given, but the director of the division of motor vehicles, upon the receipt of a sworn report of the law enforcement officer containing the following: (1) that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor or controlled drugs; (2) the facts upon which the reasonable grounds to believe such are based; (3) that the person had been arrested; (4) that the person had refused to submit to the test upon the request of the law enforcement officer; (5) that he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing, and (6) that he informed the arrested person of the fact that refusal to permit the test will result in revocation of his license, shall revoke his license to drive or nonresident operating privilege for a period of ninety days; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director of the division of motor vehicles shall deny to the person the issuance of a license for a period of ninety days after the date of the alleged violation, subject to review as hereinafter provided.

213: 3 Effective Date. This act shall take effect sixty days after passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 214.

AN ACT RELATIVE TO EXPERT WITNESS FEES IN SUPERIOR COURT CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

214: 1 Superior Court, Expert Witness Fees. Amend RSA 525:14-a (supp) as inserted by 1967, 404: 3 by striking out the second paragraph and inserting in place thereof the following:

For expert witness fees, actual costs shall be allowed by the clerk of the superior court as set forth in an affidavit of counsel unless the opposing party requests a hearing regarding expert witness fees within ten days after the filing thereof in which case the court, after hearing, shall determine the amount of expert witness fees to be allowed.

214: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 215.

AN ACT INCREASING THE EXEMPTIONS FROM ATTACHMENT AND
EXECUTION OF CERTAIN PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

215:1 Attachment and Execution. Amend RSA 511:2 by striking out in line seven the words "five hundred" and inserting in place thereof the words (one thousand), by striking out in line eleven the word "one" and inserting in place thereof the word (two), by striking out in line fifteen the word "two" and inserting in place thereof the word (four), by striking out in line sixteen the word "three" and inserting in place thereof the word (six), and by striking out in line twenty-one the word "seventy-five" and inserting in place thereof the words (one hundred and fifty) so that said section as amended shall read as follows:

511:2 Exemptions. The following goods and property are exempted from attachment and execution:

I. The wearing apparel necessary for the use of the debtor and his family.

II. Comfortable beds, bedsteads and bedding necessary for the debtor, his wife and children.

III. Household furniture to the value of one thousand dollars.

IV. One cooking stove and the necessary furniture belonging to the same.

V. One sewing machine, kept for use by the debtor or his family.

VI. Provisions and fuel to the value of two hundred dollars.

VII. The uniform, arms and equipments of every officer and private in the militia.

VIII. The Bibles, school books and library of any debtor, used by him or his family, to the value of four hundred dollars.

IX. Tools of his occupation to the value of six hundred dollars.

X. One hog and one pig, and the pork of the same when slaughtered.

XI. Six sheep and the fleeces of the same.

XII. One cow; a yoke of oxen or a horse, when required for farming or teaming purposes or other actual use; and hay not exceeding four tons.

XIII. Domestic fowls not exceeding one hundred and fifty dollars in value.

XIV. The debtor's interest in one pew in any meeting-house in which he or his family usually worship.

XV. The debtor's interest in one lot or right of burial in any cemetery.

215:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 216.**AN ACT RELATIVE TO SERVICE OF PROCESS AGAINST
FOREIGN CORPORATIONS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

216:1 Service of Process. Amend RSA 300:15 as inserted by 1965, 198:1 by striking out the same and inserting in place thereof the following:

300:15 Service of Process on Secretary of State. Service of process by virtue of the provisions of RSA 300:14 shall be made in accordance with the provisions of RSA 300:12.

216:2 Repeal. RSA 300:16 and 17, relative to service of process, are hereby repealed.

216:3 Fees. Amend RSA 300:12(a) by striking out said paragraph and inserting in place thereof the following:

(a) service shall be made by leaving duplicate copies of the process, notice or demand and a fee of five dollars in the hands or in the office of said secretary;

216:4 Plaintiff's Costs. Amend RSA 300:12(b) by striking out in line one of said paragraph the word "two" and inserting in place thereof the word (five) so that said section as amended shall read as follows:

(b) the fee of five dollars shall be taxed to the plaintiff's cost if he prevails in the suit;

216:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 217.**AN ACT NAMING A CERTAIN MOUNTAIN IN THE TOWN OF ODELL,
MUISE MOUNTAIN.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

217:1 Muise Mountain. On and after the effective date of this act, the three thousand ten foot elevation located in the town of Odell shall be called and known as Muise Mountain.

217:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 218.

AN ACT AUTHORIZING THE LIQUOR COMMISSION TO EXTEND CERTAIN PROVISIONS RELATIVE TO LIQUOR LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

218:1 Areas Other Than Dining Rooms. Amend RSA 178 by inserting after section 4 the following new section:

178:4-a [New] Authorization For Other Areas. The commission may from time to time at its discretion extend the provisions of RSA 178:4 to govern the sale of beverages and liquor in any room of said hotel other than the dining room or to any patio or swimming pool area not within direct view of any public way.

218:2 Effective Date. This act shall take effect upon its passage.
[Approved June 18, 1971.]
[Effective date June 18, 1971.]

CHAPTER 219.

AN ACT RELATIVE TO ABANDONED BOATS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

219:1 Abandoned Boats. Amend RSA by inserting after chapter 270-A the following new chapter:

CHAPTER 270-B [NEW]

ABANDONED BOATS

270-B:1 Prohibition. No person shall abandon any boat at any time on the waters of the state.

270-B:2 Abandonment. Any boat found unattended in a sunken, beached, or drifting condition shall be deemed abandoned by the owner. In the interest of the public safety such boat may be removed and impounded for safekeeping and disposal in accordance with the provisions of this chapter.

270-B:3 Jurisdiction. Any such abandoned boat may be impounded by the director of safety services or his designated representatives.

270-B:4 Redemption. The owner of such impounded boat, if he be known or can be found, shall be notified and the owner shall be permitted to redeem such boat by payment of a storage fee not to exceed one dollar per day plus the actual cost incurred in the removal of such boat.

270-B:5 Boat to be Held. When the owner of such boat cannot be found the impounded boat shall be held at the place of safekeeping for a period of time not less than ninety days nor longer than six months.

270-B:6 Disposal. Any boat unclaimed by the owner at the expiration of the time set forth in RSA 270-B:5 shall be disposed of by destroying such boat or by offering such boat for sale at public auction.

270-B: 7 Revenue. Any money received by reason of sale of such abandoned boat at public auction shall be deposited in the state general fund.

219: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 220.

AN ACT ENLARGING THE CONDITIONS UNDER WHICH FEDERAL OR STATE AID PROJECTS MAY BE PRE-FINANCED AND EXTENDING THE TERM OF BORROWING FOR THE SAME TO FIVE YEARS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

220: 1 Provisions Expanded. Amend RSA 33: 7-b (supp) as inserted by 1967, 38: 2 by striking out said section and inserting in place thereof the following:

33: 7-b Anticipation of Federal or State Aid. A municipality may contract for or accept grants of federal or state aid or both in connection with any project for which the municipality may incur indebtedness under this chapter; and, after their receipt, such grants shall be expended according to the terms under which they are received or used to pay indebtedness incurred under this chapter. Any municipality which has contracted for or accepted an offer of a grant of federal or state aid or both, and any municipality which has not contracted for or accepted such aid but which has authorized such action and which has received a certificate from the water supply and pollution control commission stating that said commission has determined that such municipality may reasonably expect to receive an amount of federal aid with respect to a sewer project, may incur indebtedness in anticipation of the receipt of such aid by issuing its note or notes payable not more than five years from their dates, except that notes issued for a shorter period than five years may be funded and refunded from time to time by the issue of other notes which shall be payable no later than five years after the date of issue of the original note or notes creating the indebtedness being funded or refunded. In the case of a city the authority to contract for or accept grants of federal or state aid or both shall be given by a resolution passed in the manner provided in section 9 of this chapter, and in the case of a town, school district or village district the authority shall be given by a vote of two-thirds of all the voters present and voting at an annual or special meeting of such corporation; and the giving of such authority shall be sufficient to authorize the appropriate officers as specified in sections 8 and 9 of this chapter to issue notes as provided in this section without further proceedings by the municipality. Nothing contained in this section shall be construed to authorize the appropriation of any money in a manner which is inconsistent with laws relating to appropriations of money by municipalities.

220: 2 Reimbursement of Prefinancing Funds to State. Amend Laws of 1969, 376 by inserting after section 2 the following new section:

376:2-a [New] Reimbursement of Grants to State. Immediately upon the receipt of federal funds allocated to a project, which has been prefinanced by the state, the municipality shall, by its treasurer or other authorized person, draw a check payable to the state of New Hampshire in the amount of the federal grant, or in the amount of the prefinancing grant, if less, and deliver same to the New Hampshire water supply and pollution control commission.

220:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 221.

JOINT RESOLUTION IN FAVOR OF MRS. ANN MORRELL.

Resolved by the Senate and House of Representatives in General Court convened:

THE sum of seventy-one dollars is hereby appropriated to reimburse Mrs. Ann Morrell of North Conway for expenses incurred by her as a result of the damages sustained to her dog. Said expenses resulted from a state police dog attacking and injuring her dog. Payment of said sum shall be in full and final settlement of said claim. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 18, 1971.]

CHAPTER 222.

AN ACT EXTENDING THE GOOD SAMARITAN LAW TO CERTAIN RESCUE AND AMBULANCE SQUADS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

222:1 Rescue and Ambulance Squads Included. Amend RSA 508:12 (supp) as inserted by 1967, 128:1 and amended by 1969, 130:1 by striking out the same and inserting in place thereof the following:

508:12 Emergency Care. If any person, in good faith renders emergency care at the place of the happening of an emergency, or while in transit in an ambulance or rescue vehicle to a person who is in urgent need of care as a result of the emergency, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no compensation for the care from or on behalf of the person cared for, and provided further that any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.

222: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 223.

AN ACT TO PERMIT A LEGAL VOTER WHO IS REGISTERED AS A MEMBER OF A PARTY TO RE-REGISTER AS NOT BEING A MEMBER OF ANY PARTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

223: 1 Hearings by Checklist Supervisors. Amend RSA 56:37 by striking out said section and inserting in place thereof the following new section:

56: 37 Hearings on Alterations to Party Registration of Legal Voters. The supervisors shall be in session before each primary for the change of registration of legal voters as provided in RSA 56: 40. The session shall be on two days, at least, and shall not be less than ninety nor more than one hundred days prior to such primary.

223: 2 Voter Registration. Amend RSA 56: 40 by striking out said section and inserting in place thereof the following new section:

56: 40 Change of Registration.

I. Change of Registration of a Voter Whose Party Membership has been Previously Registered.

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward not less than ninety days before any primary and stating to them, under oath or affirmation, if required, that:

(1) He intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party; or

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

(b) He may also change such registration at any primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

II. Change of Registration of a Voter Whose Party Membership has not been Previously Registered.

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward not less than ninety days before any primary and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

(b) He may also register as a member of a party at any primary by requesting and voting the ballot of the party of his choice, and if

challenged, he shall take an oath or affirmation to the effect that he intends to affiliate with and generally supports the candidates of that party.

III. Notwithstanding any provision of paragraphs I or II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change his party registration or change his registration so that he is registered as a member of no party.

223:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 224.

AN ACT PERMITTING THE CONDUCT OF BEANO GAMES ON SUNDAY AND
INCREASING THE FEE FOR BEANO LICENSES.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

224:1 Prohibition of Sunday Games Repealed. RSA 287:2, VI, prohibiting beano games on Sunday is hereby repealed.

224:2 Fee Increased. Amend RSA 287:3 by striking out in line two the word "ten" and inserting in place thereof the following (twenty-five) so that said section as amended shall read as follows:

287:3 Fees. No license issued hereunder shall be granted until a license fee of twenty-five dollars has been paid therefor to the selectmen or chief of police to whom application for license is made, except that no fee shall be required when the play is purely for amusement purposes where no charge is made nor any consideration is required nor taken as a prerequisite to play.

224:3 Limitation on Sunday Beano. Amend RSA 287:2, VIII by striking out the same and inserting in place thereof the following:

VIII. No games shall be conducted prior to eleven o'clock in the forenoon on a weekday or prior to noon on a Sunday or subsequent to eleven o'clock in the nighttime of the same day.

224:4 Application. On and after the effective date of this act the allowance of Sunday beano effected by this act shall be operative in any city or town which had previously adopted RSA 287 as constituted prior to said effective date. Beginning with said effective date, with respect to RSA 287, any adoption of said chapter pursuant to RSA 287:7 and any revocation of an adoption pursuant to RSA 287:8 shall be deemed to include the allowance of said chapter for Sunday beano.

224:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 225.

AN ACT PERMITTING EIGHTEEN YEAR OLDS TO ENTERTAIN IN LOUNGES
AND DINING ROOMS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

225:1 Entertainers. Amend RSA 175 by inserting after section 8-c (supp) the following new section:

175:8-d [New] Minors as Entertainers. Notwithstanding the provisions of RSA 175:8, any person licensed to sell liquor under the provisions of RSA 178:3, 3a, 3c, 4, or holding an on-sale restaurant or hotel permit under the provisions of RSA 181, may not employ minors eighteen years of age or older as entertainers on the premises where said liquor or beverage is sold except by specific approval of the commission.

225:2 Effective Date. This act shall take effect upon passage.

[Approved June 18, 1971.]

[Effective date June 18, 1971.]

CHAPTER 226.

AN ACT PROVIDING FOR PERMITS TO KEEP MOOSE TAKEN IN OTHER
STATES AND CANADA AND PROVIDING FOR THE PROTECTION OF
CANADIAN LYNX.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

226:1 Permits to Possess Deer and Moose. Amend RSA 208:9 (supp) as amended by 1957, 250:1 and 1967, 84:2 by striking out the same and inserting in place thereof the following:

208:9 Possession of Deer and Moose. Wild deer, or any part of the carcass thereof, lawfully taken may be possessed until February first next following the date when taken, and not otherwise except as provided herein for frozen meat and as otherwise permitted by the director. Any part of the carcass of wild deer solidly frozen may be possessed during the closed season on deer in a freezer locker. Possession of wild deer or any part of the carcass thereof without the deer tag and registration seal being attached or as otherwise permitted in this section or by special permission of the director or his agent shall be prima facie evidence that the same was unlawfully taken. A person may bring into and possess in this state a deer or moose lawfully taken in another state or Canada, provided such person shall obtain from the director within ten days after bringing such deer and/or moose into the state a permit to possess such deer or moose.

226:2 Canadian Lynx Protected. Amend RSA 208 by inserting after section 1-c the following new section:

208:1-d [New] Canadian Lynx. No person shall, at any time, shoot, hunt, take or have in his possession, any animal of the species known as Canadian Lynx or part of the carcass thereof, taken in this state. However,

this section shall not apply to a person acting in protection of his person or property.

226: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 227.

AN ACT ABOLISHING ARREST UPON CIVIL PROCESS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

227: 1 Nonpayment of Poll Taxes. Amend RSA 80: 2 by striking out said section and inserting in place thereof the following:

80: 2 Distrain. The collector may distrain the goods and chattels of such person upon his neglect or refusal to pay the tax assessed upon him.

227: 2 Nonpayment of Property Taxes. RSA 80: 12 (supp) as amended by 1957, 41: 1, and RSA 80: 13-15, inclusive, relative to arrest for nonpayment of property taxes are hereby repealed.

227: 3 Nonpayment by Nonresidents. Amend RSA 80: 16 by striking out in line three the words "or arrest the body" and by striking out in line four the words "person or his" so that said section as amended shall read as follows:

80: 16 Removal; Nonresidents. In case of removal from town, or of an assessment upon the personal property of nonresidents, the collector may distrain the property of any person named in his list, wherever such property may be found.

227: 4 Fees for Arrest Repealed. RSA 80: 45 (supp) as amended by 1967, 165: 1 relative to tax collector's fees for making arrest is hereby repealed.

227: 5 Liability for False Checks. Amend RSA 507: 7 by striking out in lines six and seven the words "and, for want of property, the body of the defendant may be arrested" so that said section as amended shall read as follows:

507: 7 False Checks, etc. Any person who makes, draws, utters or delivers any check, draft or order for the payment of money upon any bank or other depository, knowing that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment thereof, and which is not paid in full upon presentation, shall be liable to the person injured thereby.

227: 6 Original Process. Amend RSA 509: 4 by striking out in line two the words "attachment and capias" and inserting in place thereof the

following (and attachment) so that said section as amended shall read as follows:

509: 4 Original Process. Original process in said courts shall be summons, and attachment and shall be in the form prescribed by law.

227: 7 Writ of Capias. RSA 509: 16 as amended by 1955, 63: 3 relative to the form for a writ of capias is hereby repealed.

227: 8 Notice of Process. RSA 510: 3 relative to notice of process when arrest is made in civil action is hereby repealed.

227: 9 Arrest on Civil Process. RSA 513 as amended by 1967, 132: 27 and 28 relative to arrest and bail in civil actions is hereby repealed.

227: 10 Arrest After Execution. RSA 527: 11 relative to arrest after execution is hereby repealed.

227: 11 Writ of Execution. Amend RSA 527: 12 by striking out in lines eleven through fourteen of the form of writ the words “and in default thereof to arrest the said debtor and commit him to jail; and the keeper of such jail is required to detain him in custody until he pays the same, with your fees, or until he is discharged by the creditor, or otherwise, according to law” so that said section as amended shall read as follows:

527: 12 Form. Writs of execution shall be substantially in the following form:

THE STATE OF NEW HAMPSHIRE

..... ss. To the sheriff of any county or his deputy:

[L.S.] Whereas,, of, by the consideration of our justices of our court of, holden at, in said County of, on the Tuesday of, recovered judgment against of for the sum of dollars, and costs taxed at, as appears of record, whereof execution remains to be done. We command you, therefore, that of the goods, chattels or lands of the said debtor, in your precinct, you cause to be levied and paid to the said creditor the aforesaid sums, with lawful interest thereon, and more for this writ and your own fees; and make return of this writ, with your doings thereon, to said court, to be holden at, in said county, upon the Tuesday of

Witness,, Esquire, the day of,

....., Clerk.

227: 12 Writ of Possession. Amend RSA 527: 13 by striking out in lines twelve through fifteen of the form of writ the words “and in default thereof to arrest the said debtor and commit him to jail; and the keeper of the jail is required to detain him in custody until he pays the same, with your fees, or until he is discharged by the creditor, or otherwise, according to law” so that said section as amended shall read as follows:

527: 13 Writ of Possession. Writs of possession shall be substantially in the following form:

THE STATE OF NEW HAMPSHIRE

..... ss. To the sheriff of any county or his deputy:

[L.S.] Whereas,, of, by the consideration of our justices of our court of, holden at, in said county of, on the Tuesday of, recovered judgment against of, for a certain, with the appurtenances, situate in the town of, and costs taxed at, as appears of record. We command you, therefore, that without delay you cause said to have possession of the said premises. We also command you that of the goods, chattels or lands of the said debtor in your precinct you cause to be levied and paid to said creditor the aforesaid sum, with the lawful interest thereon, and more for this writ and your own fees, and make return of this writ, with your doings thereon, unto said court, to be holden at in said county upon the day of

Witness,, Esquire, the day of,
.....

....., Clerk.

227:13 Variations. RSA 527:14 relative to variations from the forms of writ is hereby repealed.

227:14 Imprisonment after Execution. RSA 531 as amended by 1967, 132:33 relative to imprisonment and bond after arrest on execution is hereby repealed.

227:15 Liability of Bail. RSA 532 as amended by 1957, 244:11 relative to the liability of bail on an execution is hereby repealed.

227:16 Relief of Poor Debtors. RSA 533 relative to the relief of poor debtors is hereby repealed.

227:17 Excessive Bail. Amend RSA 534:6 by striking out in line two the words "on mesne process for want of bail, or" so that said section as amended shall read as follows:

534:6 Excessive Bail. If by such copy it appears that the person is imprisoned on criminal process before a magistrate for want of recognizance, and that excessive bail or recognizance is required, the court or justice shall decide what bail is reasonable, and he shall, on giving such bail, be discharged.

227:18 Bail Civil Actions. RSA 534:24 relative to bail required on arrest in civil actions is hereby repealed.

227:19 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 228.

AN ACT RELATIVE TO REIMBURSEMENT FOR DAMAGES CAUSED BY
VANDALISM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

228:1 Reimbursement for Damages. Amend RSA 572 by inserting after section 50 the following new section:

572:51 [New] Liability for Damages. Whoever violates any provisions of this chapter, may in addition to any other penalty provided herein, be ordered to make restitution for any property damage caused by committing such offense.

228:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 229.

AN ACT ABOLISHING THE STATE RIFLE RANGE STUDY COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

229:1 Repeal. Chapter 340, Laws of 1965 relative to the establishment of a state rifle range is hereby repealed.

229:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 230.

AN ACT RELATIVE TO LICENSE FOR SALE OF REAL ESTATE WHERE THERE
ARE UNKNOWN HEIRS, OR HEIRS UNDER DISABILITY, OR HEIRS WHOSE
WHEREABOUTS ARE UNKNOWN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

230:1 Appointment of Guardian Ad Litem. Amend RSA 559:18 by inserting at the end thereof the following: (If there are heirs or legatees under disability, or whose whereabouts are unknown, or unknown heirs, the

judge may appoint a guardian ad litem to represent their interests; said guardian ad litem to have authority to consent to a sale if, in his opinion, the best interests of his ward would be served thereby) so that said section as amended shall read as follows:

559:18 License for Distribution. Unless the will otherwise provides, the judge on petition of an administrator or executor together with the written consent of the widow or widower and the heirs at law or devisees, or the guardians or conservators of such of them as are under disability, may grant a license to sell the whole or any part of the real estate of a decedent, in such manner and upon such notice as the judge shall order. Before such license is granted the petitioner shall file an affidavit of the names and addresses of all persons known to him as having or claiming any interest in said real estate. RSA 559:10, 11, 14, and 15 shall apply to licenses and sales herein authorized. If there are heirs or legatees under disability, or whose whereabouts are unknown, or unknown heirs, the judge may appoint a guardian ad litem to represent their interests; said guardian ad litem to have authority to consent to a sale if, in his opinion, the best interests of his ward would be served thereby.

230:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 231.

AN ACT RELATIVE TO SUNDAY DANCING IN HOTELS AND CERTAIN RESTAURANTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

231:1 Sunday Dancing Permitted. Amend RSA 578 by inserting after section 5-a the following new section:

578:5-b [New] Sunday Dancing Permitted. Notwithstanding the provisions of RSA 578:5, public dancing shall be permitted after six p.m. on Sundays in hotels licensed under the provisions of RSA 178:3 and 178:4 and in restaurants licensed under the provisions of RSA 178:3-a and RSA 178:3-c provided that such dancing shall have the approval of the state liquor commission.

231:2 Effective Date. This act shall take effect on passage.

[Approved June 18, 1971.]

[Effective date June 18, 1971.]

CHAPTER 232.

AN ACT CLARIFYING THE LAW CONCERNING THE MERGER OF INSURANCE COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

232: 1 Special Charter Corporations. Amend RSA 401: 10 by striking out in line two the words "under the provisions of this chapter" and inserting in place thereof the words (under the laws of this state, whether by special charter or under the general law,) so that said section as amended shall read as follows:

401: 10 Applicability of General Corporation Law. Corporations organized under the laws of this state, whether by special charter or under the general law, shall be subject to all the provisions of the law relating to corporations not inconsistent herewith.

232: 2 Approval of Insurance Commissioner. Amend RSA 401 by inserting after section 10 the following new section:

401: 11 [New] Merger of Insurance Companies. Subject to the approval of the insurance commissioner as provided by law, any insurance corporation organized under the laws of this state, whether by special charter or under the general law, may merge or consolidate with any other corporation or corporations in the manner provided in RSA 294: 42.

232: 3 Effective Date. This act shall take effect upon its passage.

[Approved June 18, 1971.]

[Effective date June 18, 1971.]

CHAPTER 233.

AN ACT TO CLARIFY THE DEFINITION OF SUBDIVISION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

233: 1 Definition of Subdivision for Sewage Disposal Purposes. Amend RSA 149-E: 2, VIII (supp) by striking out said paragraph and inserting in place thereof the following:

VIII. "Subdivision" means the division of a tract or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or any other reason; provided, however, that sale or other conveyance which involves merely an exchange of land among two or more owners and which does not increase the number of owners, and on which no sewage disposal system is to be constructed shall not be deemed a subdivision for the purposes of this chapter. Without limiting the generality of the foregoing, subdivision shall include re-subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale, condominium conveyance, or other conveyance thereof. The

division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this chapter.

233:2 Definition of Subdivision for Zoning. Amend RSA 36:1, VIII by striking out said paragraph and inserting in place thereof the following:

VIII. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this chapter.

233:3 Effective Date. This act shall take effect upon its passage.

[Approved June 18, 1971.]

[Effective date June 18, 1971.]

CHAPTER 234.

AN ACT ESTABLISHING AN INTERIM COMMITTEE TO STUDY THE
PROBLEMS OF LOWERING THE AGE OF MAJORITY FROM TWENTY-
ONE TO EIGHTEEN YEARS OF AGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

234:1 Committee Established. There is hereby established a committee of five members of the house to be appointed by the speaker to study the problems of reducing the age of majority from twenty-one to eighteen years of age and to report on or before January 15, 1973 to the 1973 session of the general court its findings and recommendations together with any legislation it recommends.

234:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 235.

AN ACT CLARIFYING THE PROVISIONS OF THE STATUTE THAT
TAX DEEDS SHALL BE GIVEN BY THE COLLECTOR
IN OFFICE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

235:1 Execution of Tax Deed by Collector. Amend RSA 80:38 by striking out said section and inserting in place thereof the following new section:

80: 38 Tax Deed. The collector, after two years from the sale, shall execute to the purchaser, his heirs or assigns, a deed of the land so sold and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I,, collector of taxes for the Town of, in the County of and State of New Hampshire, for the year 19....., by the authority in me vested by the laws of the state, and in consideration of, to me paid by, do hereby sell and convey to him, the said, his heirs and assigns, (here describe the land sold), to have and to hold the said premises with the appurtenances to him,, his heirs and assigns forever. And I do hereby covenant with said, that in making this conveyance I have in all things complied with the law, and that I have good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the day of,

Signed, sealed and delivered in presence of

235: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]
[Effective date August 17, 1971.]

CHAPTER 236.

AN ACT RELATIVE TO THE USE OF THE STATE SEAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

236: 1 Unauthorized Use of State Seal. Amend RSA 3 by inserting after section 9 the following new sections:

3: 9-a [New] Unauthorized Use Prohibited. The state seal shall be the property of the state of New Hampshire. No person shall manufacture, sell, expose for sale, or have in his possession for sale any article or substance, being an article of merchandise or receptacle of merchandise or article or thing for carrying or transporting merchandise, or sell, expose for sale, give away, or have in possession for sale or to give away or for any purpose any article or thing to advertise or promote services, upon which shall have been printed, painted, attached, or otherwise placed a representation or likeness of the state seal, provided, however, that upon application, the secretary of state may authorize the use of the state seal. Once such approval is given, such use shall be exempt from the provisions of this section until or unless such approval is revoked or suspended by the secretary of state.

3: 9-b [New] —Penalty. Whoever violates the provisions of RSA 3: 9-a shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

3:9-c [New] —Injunction. Whenever the attorney general is aware of a violation of the provisions of RSA 3:9-a, he may bring an action in the name of the state to enjoin distribution of any articles or things upon which a representation or likeness of the state seal has been placed.

236:2 Effective Date. This act shall take effect January 1, 1972.

[Approved June 18, 1971.]

[Effective date January 1, 1972.]

CHAPTER 237.

AN ACT RELATIVE TO ORGANIZED TIME TRIALS FOR MOTOR VEHICLES ON CERTAIN PUBLIC HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

237:1 Organized Time Trials for Motor Vehicles. Amend RSA 263 (supp) by inserting after section 59-a the following new section:

263:59-b [New] Organized Time Trials. Notwithstanding the provisions of section 59 to the contrary, the selectmen of any town may, upon such conditions as they may specify, permit the holding of time trials of motor vehicles on class V and class VI highways and the director of parks, department of resources and economic development, may, upon such conditions as he may specify, permit the holding of time trials of motor vehicles on class III highways within the town, provided that such roads shall be closed to other motor vehicle traffic during the time of such trials, and provided further that the trials are sponsored and supervised by a duly organized corporation or association registered for the purpose with the secretary of state.

237:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 238.

AN ACT RELATIVE TO REGIONAL SEWAGE DISPOSAL PLANTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

238:1 Regional Plant Aid. Amend RSA 149-B by inserting after section 1 the following new section:

149-B:1-a [New] Regional Treatment Plants. In order to obtain maximum value from state funds invested in pollution control projects

and to assure optimum levels of water quality in the surface waters of the state, the commission is hereby authorized and directed to require the installation of regional treatments plants serving two or more communities (or subdivisions thereof) when in its judgment such a solution is desirable. In order to implement this objective, the commission is hereby empowered to establish such procedures and policies as will aid municipalities in effectuating regional treatment facilities on an equitable basis.

238:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 239.

AN ACT BANNING PROPELLER AIR DRIVEN BOATS FROM THE WATERS OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

239:1 Air Boats. Amend RSA 270:25 by inserting in line five after the word "explosion" the following new sentence: (The propeller or other means of propulsion of all said boats shall be submerged under the water level to muffle the sound of said propeller or other means of propulsion) so that said section as amended shall read as follows:

270:25 Muffling Devices. It shall be unlawful to use within the jurisdiction of this state a boat propelled, in whole or in part, by gas, gasoline or naphtha, unless the same is provided with an under-water exhaust or other muffling device so constructed and used as to muffle the noise of the explosion. The propeller or other means of propulsion of all said boats shall be submerged under the water level to muffle the sound of said propeller or other means of propulsion. Boats operating in a race under the auspices of a recognized boat club shall not be subject to this restriction, provided such club shall have obtained special license to hold such race from the director of safety services.

239:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 240.

AN ACT RELATIVE TO USE OF CLAM, OYSTER, LOBSTER AND CRAB
LICENSES AND RELATIVE TO TAKING OF RED CRABS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

240:1 Licenses to Another. Amend RSA 211:62-a (supp) as inserted by 1959, 194:2 and as amended by 1967, 383:1 and 1969, 63:3 by inserting at the end thereof the following (A person who furnishes to another person or permits another person to have or use a clam, oyster, lobster and crab, or clam worm license issued to himself or any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in application to obtain said license shall be subjected to the penalty under RSA 211:64) so that said section as amended shall read as follows:

211:62-a Licenses for Taking. No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section, provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department, not over one quart of clam worms during any one day for his own use without a license therefor and no rules or regulations shall be made by the director of the fish and game department inconsistent with this provision. Any resident of this state shall, upon application to the director of the fish and game department, be granted a license to take clams or clam worms or oysters upon payment of a fee of four dollars and fifty cents for any one of said licenses except resident persons under the age of twelve the fee shall be two dollars and fifty cents. Such licenses shall be issued for the current calendar year. The director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use a clam, oyster, lobster and crab, or clam worm license issued to himself or any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in application to obtain said license shall be subjected to the penalty under RSA 211:64.

240:2 Red Crabs. Amend RSA 211 by inserting after section 18-b the following new section:

211:18-c [New] Red Crabs. Notwithstanding any provisions of this chapter to the contrary any resident may take twelve red crabs a day without a license.

240:3 Effective Date. This act shall take effect upon passage.

[Approved June 18, 1971.]

[Effective date June 18, 1971.]

CHAPTER 241.

AN ACT PROVIDING FOR SPECIAL LICENSE PLATES FOR MOTOR
VEHICLES OF BLIND VETERANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

241:1 Special License Plates. Amend RSA 260:18 as amended by 1961, 166:3, by striking out said section and inserting in place thereof the following:

260:18 Special License Plates for Vehicles of Blind Veterans. The director shall furnish without charge for one motor vehicle owned by a veteran, who has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability, a special license plate. The director shall determine the form, shape and color of said special license plate and shall also determine the information to be contained thereon.

241:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 242.AN ACT PROVIDING FOR SPECIAL LICENSE PLATES FOR MOTOR
VEHICLES OF PARAPLEGICS AND AMPUTEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

242:1 Special Tag Provision Removed. Amend RSA 260:17 as amended by 1961, 166:3 by striking out said section and inserting in place thereof the following:

260:17 Special License Plates for Motor Vehicles of Amputee and Paraplegic Veterans. The director shall furnish without charge for one motor vehicle owned by a veteran who, because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, a special license plate. The director shall determine the form, shape and color of said special license plate and shall also determine the information to be contained thereon.

242:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 243.

AN ACT RELATIVE TO THE TERMS OF MEMBERS OF THE AIR POLLUTION CONTROL AGENCY; EXPANDING THE POWERS OF THE AGENCY AND ESTABLISHING A PERMIT SYSTEM FOR THE CONTROL OF AIR POLLUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

243:1 Terms of Office. Amend RSA 125: 80, III (supp) as inserted by 1967, 433:1 by striking out said paragraph and inserting in place thereof the following:

III. There is hereby created and established an air pollution control commission which shall be composed of nine members, including one representing the steam power generating industry; one representing the fuels industry; one representing the manufacturing component of industry; one representing the field of municipal government; one representing the field of recreation; one licensed practicing physician; and three appointed at large. The members shall be residents of the state and shall be appointed by the governor with the consent of council. Each member shall serve for a term of four years and until his successor shall be appointed and qualified; provided that of the original appointments, three shall be appointed for a term of two years, three for a term of three years and three for a term of four years. The members shall receive no compensation for their services but shall receive necessary travel and other expenses while engaged in actual work of the commission. The governor and council shall annually select a chairman from the membership at large and one of the commission members to serve as vice-chairman. When the chairman is absent, it shall be the duty of the vice-chairman to assume and administer the duties of the chairman. The commission shall hold meetings on the call of the chairman or director of the state air pollution control agency. It shall be the duty of the commission to make suggestions to, and to advise the agency concerning, the policies, plans, and goals to be attained in the administration of this subdivision; to hold such hearings; to issue notices of hearings, and subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as the commission may deem necessary; and to keep the governor and council informed on matters relative to air pollution. The commission shall have the power to make, issue, amend, or repeal, and promulgate rules and regulations consistent with this subdivision for the prevention, control and abatement and limitation of air pollution. However, no such rules, regulation, amendment, or repeal shall be adopted except after public hearing. Said public hearing shall be held by the commission provided that not less than thirty days' notice thereof shall be given by public advertisement stating the date, time, and place of hearing; provided further that no such rule, regulation, amendment, or repeal shall be or become effective until thirty days after such public hearing, or until such time as shall be determined by the commission to be reasonable and necessary.

243:2 Powers of the Agency. Amend RSA 125: 81 (supp) as inserted by 1967, 433:1 by inserting the following new paragraphs:

XI. The agency shall have authority to conduct emission tests and to require owners or operators of stationary sources to install, maintain,

and use emission monitoring devices and to make periodic reports to the agency on the nature and amounts of emissions from such stationary sources. The agency shall have the authority to make such data available to the public and as correlated with any applicable emission standards;

XII. The agency shall have the authority to carry out a program of inspection and testing of all modes of transportation, to enforce compliance with applicable emission standards when necessary and practicable and to control or limit the operation of motor vehicular and other modes of transportation when in the opinion of the director, such modes of transportation are producing or pose an immediate danger of producing unacceptable levels of air pollutants.

XIII. The agency shall have the authority to coordinate and regulate the air pollution control programs of civil subdivisions of the state and to enter agreements with said subdivisions to plan or implement programs for the control and abatement of air pollution.

XIV. The agency shall have the authority to establish and operate a statewide system under which permits shall be required for the construction and operation of new stationary sources of air pollution and the construction and operation of modifications to existing sources, which system shall be established pursuant to RSA 125:90 et seq. The authority vested in the agency hereby shall include the power to delay or prevent any construction, modification or operation of said air pollution sources and modifications which, in the opinion of the director, would cause the ambient air pollution level in the locality of such construction, modification or operation to exceed limits for ambient concentrations established by the New Hampshire state implementation plan promulgated pursuant to the Clean Air Act as amended (Public Laws collected under 42 U.S.C. 1857 et seq.) or which construction, modification or operation would, in the opinion of the director violate any provision of any land use plan established by the said New Hampshire state implementation plan.

243:3 Permit System. Amend RSA 125 by inserting after section 89 the following new subdivision:

Permits [New]

125:90 Devices Contributing to Air Pollution. No person shall install or operate any device which contributes to air pollution except as prescribed by this subdivision.

125:91 Definitions. The following words when used in this subdivision shall have the meanings described herein unless the context clearly indicates otherwise:

I. "Device which contributes to air pollution" shall mean any burner, furnace, machine, equipment or article which, in the opinion of the air pollution control agency, contributes or may contribute to pollution of the air. Said devices shall be described in a list promulgated by the air pollution control agency setting out three classes of devices as follows:

(a) Class A devices shall include any residential or commercial heating plant which falls within ranges of heat input or particulate matter output established in the New Hampshire state implementation plan pursuant to the Clean Air Act;

(b) Class B devices shall include but not be limited to industrial heating plants and furnaces and processes which generate and discharge by-products into the air;

(c) Class C devices shall include devices desginted for the incineration of waste or refuse but shall not include residential incinerators;

II. "Clean Air Act" shall mean the Clean Air Act of 1963, P.L. 88-206 and amendments thereto, the Air Quality Act of 1967, P.L. 90-148 and amendments thereto;

III. "Agency" shall mean the air pollution control agency;

IV. "Director" shall mean the director of the air pollution control agency.

125:92 Permit Required. An operating permit shall be required after February 1, 1973 for the installation or operation of any device described in regulations hereby authorized to be issued by the agency to implement the provisions of RSA 125:81, XIV and this subdivision. Permits shall be of three classes and shall be issued for an indefinite period. The director may make such orders as he deems necessary for the modification of any device for which a permit has been applied for or issued hereunder and the grant of any permit may be made conditional upon compliance with said orders.

125:93 Requirement for Class B Permit. A class B permit shall be required for the installation or operation of any device listed by the agency in regulations. Said permit shall be issued by the agency subject to the following conditions:

I. Application therefor to the agency on an agency-supplied form by the owner or operator of the device; provided, however, that initial applications hereunder for devices in operation on April 1, 1972 shall be made prior to May 1, 1972;

II. Submission with said application of a description of the device and such engineering plans, specifications or other information as the agency shall require to determine the air pollution potential of the device;

III. Upon passage of thirty days from the date of application unless the agency shall for cause refuse to grant a permit after hearing as provided in RSA 125:94; provided, however, that the initial permits issued hereunder shall be issued prior to February 1, 1972 without regard to the thirty-day deadline provided in this paragraph.

125:94 Refusal to Grant; Suspension; Hearing. The agency may refuse to grant any class B or C permit if:

I. In the judgment of the director, the device for which a permit is sought contributes or may contribute disproportionately to pollution of the air in comparison to other devices of its type currently in use; or

II. The device for which a permit is sought should, in the opinion of the director, be fitted with or modified by equipment designed to reduce the air pollution capacity of the device and the applicant refuses to comply with an order to that effect;

III. The director may suspend after hearing a permit previously issued for the causes set out in RSA 125:94, I and II, above if, in the opinion of the director, the permit holder has failed to comply with any order for modification issued by the director.

243:4 Variances. Amend RSA 125:83 (supp) as inserted by 1967, 433:1 by striking out said section and inserting in place thereof the following:

125: 83 Variances.

I. Upon application, and after a hearing, the commission may suspend the enforcement of the whole or any part of this or the following subdivision or of any rule or regulation promulgated hereunder in the case of any person who shall show that the enforcement thereof would produce serious economic hardship on such person without equal or greater benefits to the public.

II. In determining under what conditions and to what extent the variance may be granted, the commission shall give due recognition to the progress which the person requesting such variance shall have made in eliminating or preventing air pollution; the character and degree of injury to, or interference with, the health and physical property of the people; and the social and economic value of the source of air pollution. In such cases, the commission shall consider the reasonableness of granting a variance conditioned on the person's effecting a partial abatement of pollution or a progressive abatement thereof or such other circumstances as the commission may deem reasonable. No variance shall be granted to any person applying therefor who is causing air pollution which creates a danger to public health, welfare or safety.

III. Any variance granted hereunder shall be granted for such period of time, not exceeding one year, as the commission shall specify. No variance shall be construed to relieve the person receiving it from any liability imposed by law for the commission or maintenance of a nuisance.

243: 5 Emergencies. Amend RSA 125: 84 (supp) as inserted by 1967, 433: 1 by striking out said section and inserting in place thereof the following:

125: 84 Authority of the Director in Cases of Emergency. Whenever the director finds that an air pollution emergency exists requiring immediate action to protect the public health, welfare, or safety, he may with consent of the governor and council issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith. The director shall rescind or abate such order as soon as the emergency ceases to exist.

243: 6 Penalty. Amend RSA 125: 86 (supp) as inserted by 1967, 433: 1 by striking out said section and inserting in place thereof the following:

125: 86 Penalty. Any person who violates any of the provisions of RSA 125: 78 through 94 inclusive or any rule or regulation of the air pollution control commission or who violates any order of the air pollution control agency shall be fined not less than one hundred dollars nor more than one thousand dollars, and in addition thereto may be enjoined from continuing such violation. Each day any person neglects or refuses to comply therewith shall constitute a separate offense.

243: 7 Effective Date. Section 3 of this act shall take effect April 1, 1972. The remainder of the act shall take effect upon its passage.

[Approved June 18, 1971.]

[Effective date. Section 3 shall take effect April 1, 1972. Remainder of act effective June 18, 1971.]

CHAPTER 244.

AN ACT RELATIVE TO THE ADMINISTRATION OF THE INSURANCE LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

244: 1 Insurance Department. Amend RSA by inserting after chapter 400 the following new chapter:

CHAPTER 400-A [New]**INSURANCE DEPARTMENT**

400-A: 1 Department Continued. There is continued the department of state government known as the insurance department, which shall be an independent regulatory agency.

400-A: 2 Construction. This title shall be liberally construed.

400-A: 3 Insurance Commissioner; Appointment; Term. The head of the department shall be the insurance commissioner who is charged with the rights, powers, and duties pertaining to the enforcement and execution of the insurance laws of this state. The commissioner shall have all powers specifically granted to him or reasonably implied in order to enable him to perform the duties imposed upon him by this title. The commissioner shall have such additional rights, powers, and duties as may be provided by other laws. The commissioner shall be appointed by the governor with advice and consent of the council. The commissioner shall hold office for five years and until a successor has been appointed and has qualified. Vacancies in the office of the insurance commissioner shall be filled for the unexpired term of such office. He may be removed only as provided by RSA 4: 1.

400-A: 4 Seal. The office shall have a seal which shall be like the seal of state, except the words, "Insurance Department, New Hampshire," shall be substituted for the words "Seal of the State of New Hampshire, 1776". The commissioner shall attach the seal of the office to all certificates and other similar official papers issued by him, and no further proof shall be required to authenticate the same when they are offered in evidence.

400-A: 5 Office. The commissioner shall be provided with an office in some suitable place in Concord.

400-A: 6 Deputy Commissioner; Assistant.

I. The commissioner, subject to the approval of the governor, shall appoint a deputy commissioner of insurance who shall hold office for five years and until a successor has been appointed and qualified.

II. The deputy commissioner of insurance shall perform such duties and exercise such powers of the commissioner pursuant to title XXXVII RSA as the commissioner from time to time may authorize.

III. When the office of the commissioner is vacant, or when the commissioner is unable to perform his duties because of mental or physical disability, the deputy commissioner of insurance shall be acting commissioner.

IV. There shall be an assistant to commissioner for securities who shall be appointed by the commissioner of insurance. He shall serve at the pleasure of the commissioner.

V. The assistant to commissioner for securities shall perform such duties and exercise such powers of the commissioner pursuant to title XXXVIII RSA as the commissioner from time to time may authorize.

400-A: 7 Research Assistant to the Insurance Commissioner. There shall be a research assistant to the commissioner who shall be appointed by the commissioner. He shall serve at the pleasure of the commissioner and shall perform such duties as shall be assigned to him by the commissioner.

400-A: 8 Compensation; Expenses; Bonds.

I. **COMPENSATION.** The salary of the commissioner, deputy commissioner, assistants to the commissioner, shall be as prescribed in RSA 94: 1-4.

II. **EXPENSES.** The commissioner, deputy commissioner, and the assistants to the commissioner shall be allowed their traveling expenses while engaged in the performance of their duties.

III. **BONDS.** The commissioner shall procure an official blanket bond conforming to New Hampshire law and covering the commissioner and each employee of his office in the penal sum of one hundred thousand dollars. The bond shall be underwritten by an insurer authorized to transact business in the state and shall be filed in the office of the secretary of state. Premium for the bond shall be a charge upon available funds and the appropriation for the insurance department.

400-A: 9 Departmental Organization. Within the department there shall be such divisions, not expressly provided for or prohibited by law, as the commissioner deems advisable for the discharge of his duties.

400-A: 10 Staff.

I. The commissioner may, within the limits of available funds, appoint or employ and prescribe the duties of such assistants, actuaries, examiners, clerks, and other employees as may be necessary to discharge the duties placed upon the insurance department by Titles XXXVII and XXXVIII of RSA.

II. The commissioner may from time to time contract for and procure on a fee or independently contracting basis, such additional actuarial, examination, rating, and other technical and professional services as he may deem necessary for the discharge of his duties. None of the individuals rendering such services pursuant to this paragraph shall be in the classified service of the state.

400-A: 11 Advisory Councils and Committees.

I. The commissioner may create advisory councils and committees to assist him in dealing with regulatory problems, may appoint members and may provide by rule for the regular creation, governance, duties and termination of any council or committee he establishes.

II. Members of advisory councils or committees shall be reimbursed for their necessary expense of travel and subsistence. Said expenses shall be a charge upon available funds and the appropriation of the insurance department.

400-A: 12 Prohibited Interests. The commissioner, deputies, assistants, actuaries, examiners, or employees of the department shall not be connected with the management or be holder of material number of shares of any insurer, insurance holding company, insurance agency or broker, or be pecuniarily interested in any insurance transaction except as a policyholder or claimant under a policy; except, that as to matters wherein a conflict of interests does not exist on the part of any such individual, the commissioner may employ and retain from time to time insurance actuaries, examiners, accountants, and other technicians who are independently

practicing their professions even though from time to time similarly employed or retained by insurers or others. Provided, that nothing contained in this section shall be deemed to prohibit:

I. Receipt by any such individual of fully vested commissions or fully vested retirement benefits to which entitled by reason of services performed prior to becoming commissioner or prior to employment in the department;

II. Investment in shares of regulated diversified investment companies.

400-A: 13 Delegation of Powers.

I. The commissioner may delegate to his deputies, assistants, actuaries, examiners, or employees of the department the exercise or discharge in the commissioner's name of any power, duty, or function, whether ministerial, discretionary or of whatever character, vested in or imposed upon the commissioner.

II. The official act of any such person acting in the commissioner's name and by his authority shall be deemed an official act of the commissioner.

400-A: 14 Orders, Notices.

I. The commissioner shall issue upon hearing such prohibitory and mandatory orders as are reasonably necessary to secure compliance with insurance laws, rules, and regulations. Orders and notices of the commissioner shall be effective only when in writing signed by him or by his authority. Except as otherwise expressly provided by law as to particular orders, every order of the commissioner shall state its effective date and shall concisely state:

(a) its intent or purpose;

(b) the grounds on which it is based; and

(c) the provisions of this title pursuant to which action is taken or proposed to be taken; but failure to so designate a particular provision shall not deprive the commissioner the right to rely thereon. Except as provided as to particular procedures, an order or notice may be given by delivery to the person to be ordered or notified, or by mailing it, prepaid, addressed to such person at his principal place of business or residence as last of record in the department. The order or notice shall be deemed to have been given when deposited in a depository of the United States Post Office, and of which the affidavit of the individual who so mailed the order or notice shall be prima facie evidence.

II. If any person is entitled to a hearing by any provision of this title before any proposed action is taken, the notice of the proposed action may be in the form of a notice to show cause stating that the proposed action may be taken unless such person shows cause at a hearing to be held as specified in the notice, why the proposed action should not be taken, and stating the basis of the proposed action.

400-A: 15 Rules and Regulations; Violation.

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title and such other rules and regulations as are reasonably necessary to implement the provisions of this title.

II. Prior to the adoption of any rule or regulation, or the amendment or repeal thereof, the commissioner shall publish or otherwise circulate

notice of his intended action and afford interested persons opportunity to submit data or views either orally or in writing.

III. Any person who knowingly violates any rule, regulation, or order of the commissioner may, upon hearing, except where other penalty is expressly provided, be subject to such suspension or revocation of certificate of authority or license, or administrative fine not to exceed \$2,500 in lieu of such suspension or revocation, as may be applicable under this title for violation of the provision to which such rule, regulation, or order relates.

400-A: 16 Investigations, Enforcement.

I. The commissioner may conduct such investigations in addition to those specifically provided for as he may find necessary in order to promote the efficient administration of the provisions of this title and title XXXVIII.

II. The commissioner may institute suits or other legal proceedings as necessary for the enforcement of any rules, regulations, or provisions of this title.

III. If the commissioner has reason to believe that any person has violated any provision of this title for which criminal prosecution is provided, he shall so inform the attorney general. The attorney general shall promptly institute such action or proceedings against such person as in his opinion the information may require or justify.

IV. The attorney general, upon request of the commissioner, is authorized to proceed in the courts of any other state or in any federal court or agency to enforce an order or decision of any court, proceeding or in any administrative proceeding before the commissioner.

400-A: 17 Hearings.

I. The commissioner may hold hearings for any purpose within the scope of this title as he may deem advisable.

II. He shall hold a hearing:

(a) if required by any provision of this title,

(b) or upon written application for a hearing by a person aggrieved by any act or impending act, or by any report, rule, regulation, or order of the commissioner (other than an order for the holding of a hearing, or order on a hearing, or pursuant to such order, of which hearing such person had notice.)

III. Any such application must be filed with the commissioner within thirty days after such person knew or reasonably should have known of such act, impending act, failure, report, rule, regulation, or order, unless a different period is provided for by other applicable law, and in which case such other law shall govern. The application shall briefly state the respects in which the applicant is so aggrieved, together with the ground to be relied upon for the relief to be demanded at the hearing. The commissioner may require that the application be signed and sworn to by a person competent to be a witness in civil courts.

IV. If the commissioner finds that the application is timely, made in good faith, and that the applicant would be so aggrieved if his grounds are established he shall hold a hearing within thirty days after the filing of the application, or within thirty days after the application has been sworn to, whichever is the later date, unless in either case the hearing is postponed by mutual consent.

V. Failure to hold the hearing upon application therefor of a person entitled thereto as hereinabove provided shall constitute a denial of the relief sought, and shall be the equivalent of a final order of the commis-

sioner on hearing for the purpose of an appeal under RSA 400-A:24 of this chapter.

VI. Pending the hearing and decision thereon, the commissioner may suspend or postpone the effective date of his previous action.

400-A:18 Notice of Hearing.

I. Except where a longer period is expressly provided in this title, the commissioner shall give written notice of the hearing not less than ten days in advance. The notice shall state the date, time, and place of the hearing and specify the matters to be considered thereat. If the persons to be given notice are not specified in provision pursuant to which the hearing is held, the commissioner shall give such notice to all persons whose pecuniary interest, to the commissioner's knowledge or belief, are to be directly and immediately affected by the hearing. Notice of the hearing may be waived, and the hearing held at a time mutually fixed by the commissioner and the parties.

II. If any such hearing is to be held for consideration of rules and regulations of the commissioner, or of other matters which, under paragraph I above, would otherwise require separate notices to more than thirty persons, in lieu of other notice, the commissioner may give notice of the hearing by publication thereof in a newspaper of general circulation in this state, at least once each week during the two weeks immediately preceding the week in which the hearing is to be held; except, that the commissioner shall mail such notice to all persons who have requested the same in writing in advance and have paid to the commissioner the reasonable amount fixed by him to cover the cost thereof. All such notices, other than published notices, shall be given as provided in RSA 400-A:14.

400-A:19 Conduct of Hearing.

I. The commissioner may hold a hearing in Concord or any other place of convenience to parties and witnesses, as the commissioner determines. The commissioner or his designee shall preside at the hearing, and shall expedite the hearing and all procedures involved therein.

II. Any party to the hearing shall have the right to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence in his behalf. Testimony may be taken orally or by deposition, and any party shall have such right of introducing evidence by interrogatories or deposition as may obtain in the superior court.

III. Upon good cause shown, the commissioner shall permit to become a party to the hearing by intervention, if timely, such persons, not original parties thereto, whose interests are affected by the commissioner's order made upon the hearing.

IV. Formal rules of pleading or of evidence need not be observed at any hearing.

V. The hearing shall be public, unless the commissioner or hearing officer determines that a private hearing would be in the public interest, in which case and only with the consent of all parties to the hearing, the hearing shall be private.

VI. The commissioner or his hearing officer may cause a complete record to be made of the hearing proceedings by a competent reporter or by electronic recording, and if transcribed, such record shall be made a part

of the commissioner's record of hearing. The record shall be transcribed at the request and expense of any party desiring the same, and a copy of such transcription shall be furnished to any other party upon the written request and at the expense of such other party. If the record is not transcribed, the commissioner or his hearing officer shall prepare a summary record of the proceedings and evidence.

VII. The validity of any hearing held in accordance with the notice thereof, or waiver of notice, shall not be affected by the failure of any person to attend or remain in attendance.

400-A: 20 Witnesses and Documentary Evidence.

I. As to the subject of any examination, investigation or hearing being conducted by him, the commissioner may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, or take depositions; and by subpoena duces tecum may require the production of documentary and other evidence. Any delegation by the commissioner of power of subpoena shall be in writing.

II. Every person subpoenaed to appear at any such hearing, examination, or investigation shall obey the subpoena, testify truthfully, conduct himself with decorum, and in no way obstruct the proceeding or purpose thereof.

III. Witnesses shall be entitled to the same fees and allowances as witnesses in the superior court; except that no insurer, agent, broker, or other person subject to this title who is a subject of such proceeding, and no officer, director, or employee of any of the foregoing, shall be entitled to witness or mileage fees. No person shall be excused from attending and testifying in obedience to a subpoena on the ground that the proper witness fee was not tendered or paid, unless the witness shall have demanded such payment as a condition precedent to attending the hearing, examination, or investigation and unless such demand shall not have been complied with.

IV. Any individual knowingly testifying falsely under oath or making a false affirmation, as to any matter material to any such examination, investigation or hearing, shall upon conviction thereof be guilty of perjury.

400-A: 21 Witnesses; Disciplinary Proceedings.

I. If any individual without reasonable cause fails to appear when summoned as a witness, or refuses to answer a lawful and pertinent question, or refuses to produce documentary evidence when directed to do so by the commissioner or deports himself in a disrespectful or disorderly manner at the inquiry, or obstructs the proceedings by any means, whether or not in the presence of the commissioner or his designee, he is guilty of contempt and may be dealt with as provided in RSA 400-A: 21, II.

II. The commissioner or his designee, as the case may be, may file a complaint in the superior court, setting forth under oath the facts constituting the contempt and requesting an order returnable in not less than two nor more than five days, directing the alleged contemner to show cause before the court, why he should not be punished for contempt. Upon the return of such order, the court shall examine the alleged contemner under oath, and the alleged contemner shall have an opportunity to be heard. If the court determines that the respondent had committed any alleged contempt, the court shall punish the offender as if the contempt had occurred in an action arising in or pending in such court. Provided however, the contemner shall have a period of ten days from

the determination of the superior court within which to purge himself of contempt and thereby avoid the sanctions imposed.

400-A: 22 Witnesses; Immunity from Prosecution.

I. If any individual asks to be excused from attending or testifying or from producing any books, papers, records, contracts, correspondence, or other documents in connection with any examination, hearing, or investigation being conducted by the commissioner on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall by the insurance commissioner be directed to give such testimony or produce such evidence, he must nonetheless comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have so testified or produced evidence, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation, or proceeding; except, however, that no such individual so testifying shall be exempt from prosecution or punishment for any perjury committed by him in such testimony, and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation, or proceeding concerning perjury; provided further that no witness shall be compelled to testify where such testimony would create a reasonable possibility of penalty or sanction by a court, agency, or other body of competent jurisdiction, which penalty or sanction has not as of the hearing date (or the date of any appeal therefrom) been banned by operation of law or waived as to the witness.

II. Any such individual may execute, acknowledge and file in the office of the commissioner a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement, and thereupon the testimony of such individual or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise, and if so received or produced, such individual shall not be entitled to any immunity or privileges on account of any testimony he may so give or evidence so produced.

400-A: 23 Order on Hearing.

I. In the conduct of hearings under this title and making his order thereon, the commissioner shall act in a quasi-judicial capacity.

II. Within ninety days after termination of a hearing, or of any rehearing thereof or reargument thereon, or within such other period as may be specified in this title as to particular proceedings, the commissioner shall make his order on hearing covering matters involved in such hearing, and give a copy of the order to each party to the hearing in the same manner as notice of the hearing was given to such party; except, that as to hearings held with respect to merger, consolidation, bulk reinsurance, conversion, affiliation, or change of control of a licensed insurer as provided in RSA 401-B and RSA 403-A, where notice of the hearing was given to all who are stockholders or policyholders, or both, of an insurer involved, the commissioner is required to give a copy of the order on hearing to the corporation and insurer parties, to intervening parties, to a reasonable number of such stockholders or policyholders as representative of the class, and to other parties only upon written request of such parties.

(a) The order shall contain:

(1) A concise statement of facts found by the commissioner upon the evidence adduced at the hearing;

(2) A concise statement of the commissioner's conclusions from the facts so found;

(3) His order, and the effective date thereof; and

(4) Citation of the provisions of this title upon which the order is based; but failure to so designate a particular provision shall not deprive the commissioner of the right thereafter to rely thereupon.

(b) The order may affirm, modify, or rescind action theretofore taken or may constitute taking of new action within the scope of the notice of hearing.

400-A: 24 Appeal from the Commissioner.

I. An appeal from the commissioner shall be taken only from an order on hearing, or as to a matter on which the commissioner has refused or failed to hold a hearing after application therefor under RSA 400-A: 17, or as to a matter as to which the commissioner has failed to make his order on hearing as required by RSA 400-A: 23.

II. Any appeal shall be in accordance with RSA 541.

400-A: 25 Records; Inspection; Destruction.

I. All records of the department shall be subject to public inspection except as otherwise expressly provided by law as to particular matters; and except that records, correspondence, and reports of investigation in connection with actual or claimed violations of this title or prosecution or disciplinary action therefor shall be confidential.

II. All records and documents of the department are subject to subpoena by a court of competent jurisdiction.

III. The commissioner may destroy at the end of six years from the date of filing any records which, in his opinion, are no longer of any value to the state. Otherwise, all records will be disposed of in accordance with RSA 8-B.

400-A: 26 Annual Report. On or before November 1 in each year, the commissioner shall make a written report to the governor and council showing with respect to the preceding calendar year the receipts and expenses of the department for the year and such recommendations as he deems advisable.

400-A: 27 Publications.

I. The commissioner may have the annual report, examination reports, directory of authorized insurers, directory of licensed insurance representatives, license examination material, insurance laws, related laws and regulations, and other publications relating to insurance and securities, prepared under his administration, published in pamphlet form from time to time and may affix a reasonable price to each copy to cover the price of printing, handling, and postage.

II. The commissioner may furnish free copies of the publications prepared under paragraph I to public officials and libraries in the state and elsewhere. The cost of free distribution shall be charged upon available funds and the appropriation for the insurance department.

400-A: 28 Interstate Cooperation. The commissioner and his staff shall maintain close relations with the commissioners of other states and shall actively participate in the activities and affairs of the National

Association of Insurance Commissioners, North American Security Administrators Association, and other organizations so far as it will, in his judgment, enhance the purposes of the insurance and securities laws. The actual and necessary travel and related expenses incurred by the commissioner and members of his staff in attending meetings of said associations, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations shall be a charge on available funds and the appropriation of the insurance department.

400-A: 29 Fees.

I. Certificate of authority

(a) Application	\$300
(b) Initial certificate	\$100
(c) Annual renewal	\$100
(d) Reinstatement	\$50
(e) Amendment	\$25

II. Charter documents (other than those filed with application for certificate of authority).

(a) For filing articles of amendment, domestic companies, \$10

(b) For filing a copy of amendment to the articles of incorporation of a foreign or alien company, \$10. If the amendment is filed more than sixty days after the same has become effective in the home state, the corporation shall pay to the commissioner a penalty of \$25.

III. Filing of annual statement \$100

IV. Application for withdrawal and final report of foreign or alien insurance company \$25

V. Application to reserve corporation name (ninety days) \$25

VI. Rating organizations

(a) Application fee	\$300
(b) Initial Certificate	\$150
(c) Annual renewal	\$150

VII. Hospital and medical service corporations

(a) Corporation's annual certificate of authority	\$200
(b) Annual statement	\$100
(c) Agent's license	
(1) Application fee	\$15
(2) Initial license	\$20
(3) Biennial renewal	\$20

VIII. Road and tourist services

(a) Application fee for certificate of authority	\$300
(b) Initial certificate	\$100
(c) Annual renewal	\$100
(d) Agent's license	
(1) Application fee	\$15
(2) Initial license fee	\$10
(3) Annual renewal	\$10

IX. Agents. Application (other than variable annuities) Exam fee \$15

(a) Original; life, health and accident, property-liability, title and fraternal, 2-year term \$10

(b) Renewal; term—life, health and accident, property-liability, title and fraternal, 2-year term \$10

X. Brokers.

(a) Application examination fee	\$15
(b) Original license	\$30
(c) Biennial renewal	\$30

XI. Surplus lines.

(a) Company annual application for inclusion in approved list	\$250
(b) Brokers	
(1) Application	\$15
(2) Original license	\$100
(3) Annual renewal	\$50

XII. Insurance vending machines.

(a) Application fee, each machine	\$50
(b) Initial license, each machine	\$50
(c) Annual renewal, each machine	\$50

XIII. Certificates.

(a) Qualification letters	\$5
(b) Certificates of compliance	\$5

XIV. Variable annuity.

(a) Agents	
(1) Application fee	\$15
(2) Initial registration	\$25
(3) Annual renewal	\$25
(b) Certificates	\$5
(1) Company registration	\$100
(2) Annual renewal	\$100

XV. Adjuster's licenses.

(a) Application fee	\$15
(b) Initial license	\$25
(c) Biennial renewal	\$25

XVI. Service of process on commissioner. \$5

XVII. The commissioner shall also collect in advance, reasonable fees, as determined by the commissioner for such other official acts and services as may be necessary or required by title XXXVII or XXXVIII.

400-A: 30 Accounts. The commissioner shall keep a correct account of all fees and moneys received by him by virtue of his office, and shall pay the same over to the treasurer of the state forthwith.

400-A: 31 General Premium Tax: Report.

I. Every authorized insurer and each formerly authorized insurer shall, on or before March 1 of each year, or within any reasonable extension of time therefor which the commissioner may for good cause have granted on or before such date, file with the commissioner a report in such form as prescribed by the commissioner showing all gross direct premiums, including policy, membership and other fees and assessment, policy dividends applied in payment for insurance and all other considerations for insurance received by it during the next preceding calendar year on account of policies covering property, subjects, or risks located, resident or to be performed in this state after deducting from such total return premiums or dividends actually returned or credited to policyholders.

(a) As to title insurers, that portion of the premium chargeable to title search and examination services as reasonably determined by the commissioner may be deducted from such total.

II. The report shall be verified by oath or affirmation of the insurer's president, vice president, secretary, treasurer, or manager.

III. The commissioner may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

IV. Ocean marine premiums written for ocean marine insurance, as defined in RSA 400-A:33 shall not be taxed in accordance with this section, but shall be taxed in accordance with the provisions of RSA 400-A:33.

400-A:32 Premium Tax: Collection, Minimum; Penalty.

I. Every insurer, coincidentally with filing of the report required by section 31, shall pay to the insurance commissioner a tax of two percent upon such net premiums as set forth in said report less estimated payments made the preceding June fifteenth. Provided, however, every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of no less than two hundred dollars.

II. Estimated tax; payment; due date. On or before June 15, 1971, and on or before June fifteenth of each succeeding year, every authorized insurer required to pay a tax in accordance with RSA 400-A:32, I and V shall pay to the insurance commissioner an amount equal to one-half of the previous calendar year's tax paid pursuant to said paragraph. This payment shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

III. The taxes imposed in the above sections shall be promptly forwarded by the commissioner to the state treasurer to the credit of the general fund.

IV. Any insurer intentionally failing to file the report required by RSA 400-A:31 or intentionally failing to remit the proper tax within the time for filing, shall pay a penalty equal to ten per cent of the amount of the tax due from it. Upon the tax becoming delinquent, the commissioner may forthwith suspend or revoke the insurer's certificate of authority.

V. When effective. The tax provided for in this section shall apply to the business of the year commencing January 1, 1971, and each year thereafter. The tax for business of the year ending December 31, 1970, shall be treated in accordance with the law in effect on December 31, 1970.

400-A:33 Tax on Marine Underwriting Profits.

I. Within one month after receiving notice from the commissioner of the amount thereof, every insurer authorized to do the business of ocean marine insurance in this state shall, with respect to marine insurance written within the state upon hulls, freights or disbursements, or upon goods, wares, merchandise and all other personal property and interests, therein, in course of exportation from any country, importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination, in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, any portion of which exportation, importation, transportation, navigation, transit or shipment is upon any ocean, and upon the property while being prepared for and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident thereto, including war risks and marine builders risks, pay to the state treasurer a tax of five percent on its taxable underwriting profit, ascertained as hereinafter provided, from such insurance written in this state.

II. The underwriting profit on such insurance written within this state shall be that proportion of the total underwriting profit of such insurer from such insurance written within the United States, which the amount of net premiums of the insurer from such insurance written within this state bears to the amount of net premiums of such insurer from such insurance written within the United States.

III. The term "underwriting profit" as used in this section shall mean the amount arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the taxable year, meaning thereby the calendar year next preceding the date on which such tax is due, the following items:

(a) Net losses incurred, meaning gross losses incurred during such calendar year under such marine insurance contracts written within the United States, less reinsurance claims collected or collectible and less net salvages or recoveries collected or collectible from any source applicable to the corresponding losses under such contracts;

(b) Net expenses incurred in connection with such marine insurance contracts, including all state and federal taxes in connection therewith; but in no event shall the aggregate amount of such net expenses deducted exceed forty percent of the net premiums on such marine insurance contracts, ascertained as hereinafter provided; and

(c) Net dividends paid or credited to policyholders on such marine insurance contracts.

IV. In determining the amount of such tax, net earned premiums on such marine insurance contracts written within the United States during the taxable year shall be arrived at as follows: from gross premiums written on such contracts during the taxable year deduct any and all return premiums, premiums on policies not taken, premiums paid for reinsurance of such contracts and net unearned premiums on all such outstanding marine insurance contracts at the end of the taxable year; and add to such an amount net unearned premiums on such outstanding marine insurance contracts at the end of the taxable year; and add to such an amount net unearned premiums on such outstanding marine insurance contracts at the end of the calendar year next preceding the taxable year.

V. In determining the amount of such tax net expenses incurred shall be determined as the sum of the following:

(a) Specific expenses incurred on such marine insurance business, consisting of all commissions, agency expenses, taxes, licenses, fees, loss adjustment expenses, and all other expenses incurred directly and specifically in connection with such business, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of reinsurance or from any other source.

(b) General expenses incurred on such marine insurance business, consisting of that proportion of general or overhead expenses incurred in connection with such business which the net premiums on such marine insurance written during the taxable year bear to the total net premiums written by such insurer from all classes of insurance written by it during the taxable year. Within the meaning of this paragraph, general or overhead expenses shall include salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as included in RSA 400-A: 33, V(a), and all other expenses of such insurer not included in said subparagraph after deducting expenses specifically chargeable to any or all other classes of insurance business.

VI. Every insurer transacting such marine insurance business in this state shall file, on or before the first day of May in each year, with the

insurance commissioner, and in the form prescribed by him, a report of all items hereinbefore enumerated pertaining to its marine insurance business. Every insurer which has been writing such marine insurance contracts in this state for three years shall furnish the insurance commissioner a statement of all of the aforementioned items, in the form prescribed by him, for each of the three calendar years preceding the date on which the report is due. An insurer which has not been writing such marine insurance contracts within this state for three years shall furnish to the insurance commissioner a report of all the aforementioned items for each of the calendar years during which it has written such marine insurance contracts in this state. If the insurance commissioner finds the report of the reporting insurer correct, he shall, if the insurer has transacted such marine insurance business in the state for three years,

(a) ascertain the average annual underwriting profit, as hereinbefore defined, derived by the insurer from such marine insurance business written within the United States during the three calendar years next preceding the date when the report required hereunder is due;

(b) ascertain the proportion which the average annual net premium of the insurer from such marine insurance written by it in this state during the said preceding three calendar years bears to the average annual net premiums from such marine insurance written by it within the United States during the same three years;

(c) compute an amount of five per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance;

(d) charge the amount of tax thus computed to such insurer as a tax upon such marine insurance written by it in this state during the calendar year next preceding the date when the report required hereunder is due; and

(e) notify the insurer of the amount of said tax.

VII. The insurance commissioner shall each year compute the tax upon the average annual underwriting profit of such insurer from such marine insurance during the three calendar years immediately preceding the date upon which the report, required hereunder, is due and he shall notify each insurer of the amount of the same; provided, however, that in the case of an insurer which has not written such marine insurance in this state for three years, the commissioner shall, until such insurer has transacted such business in this state for that number of years, compute a tax of five per cent on the taxable underwriting profit of such insurer from such marine insurance business written in this state during the taxable year, ascertained as hereinbefore provided; but after such insurer has written such marine insurance business within this state during three calendar years, an adjustment shall be made on the three-year average basis by ascertaining the amount of tax payable in accordance with the average three years basis hereinbefore outlined. Any refund due to an insurer as a result of such adjustment may be paid by the state treasurer to such insurer upon receipt of notice from the commissioner that such refund is due the insurer.

400-A: 34 Exemption; Abatement.

I. EXEMPTION. The provisions of RSA 400-A: 31, 32 and 33 shall not apply to mutual insurance companies that operate on an assessment plan and require as a condition for granting insurance the signing of a premium deposit note by the insured, which note is given for the purpose of establishing a limit of liability to assessment, while their total receipts from policyholders is less than ten thousand dollars per year.

II. PETITION FOR ABATEMENT. Any insurer authorized to do business in this state, having complied with the provisions of this chapter, which shall deem itself aggrieved by reason of any tax imposed upon it by the insurance commissioner, may apply within one year after the due date of any tax imposed upon it, and not afterwards, by petition to the superior court in and for the county of Merrimack for an abatement of so much thereof as it may claim to have been unlawfully imposed upon it.

400-A: 35 Retaliatory provisions. When, by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits, or other obligations or prohibitions, additional to or in excess of those imposed by this state upon companies not organized under the laws of this state and their agents doing business in this state, are imposed upon insurance companies of this state and their agents doing business in such state or country, the same taxes, fines, penalties, licenses, fees, deposits, or other obligations or prohibitions shall be imposed upon all insurance companies of such state or country and their agents doing business in the state, so long as such laws remain in force. In the absence of proof satisfactory to the commissioner, the laws of a foreign country shall be presumed to be the same as those of that state in which an insurance company of that foreign country has its principal place of business in the United States.

400-A: 36 Reports and Replies.

I. Every insurance company doing business in this state shall, on or before March first each year, make and transmit to the commissioner a statement under oath of its president and secretary, in accordance with blanks approved by him, showing the amount of its capital stock, assets, liabilities, outstanding risks, premium notes, receipts, expenditures, losses, assessments, salaries and emoluments, and any other information calculated to fully disclose the condition and method of management of the company for the year ending the preceding December thirty-first, which statement shall include the whole amount of premiums written during the preceding year for insurance on property or risks located or persons resident in this state.

II. The commissioner may extend the time for filing such statement for cause shown for a period of not more than sixty days. Life insurance companies shall not be required to file that part of their annual statement known as the gain and loss exhibit until the succeeding May first. An insurer intentionally failing to file its annual statement as required by paragraph I shall forfeit to the department twenty-five dollars for each day of delinquency. The commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer intentionally failing to file its annual statement when due. At time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by section 29.

III. In addition to the above, the commissioner may require from any person subject to this title:

(a) Statements, reports, answers to questionnaires and other information, and evidence thereof, in whatever reasonable form he designates, and at such reasonable intervals as he may choose, or from time to time;

(b) Full explanation of the programming of any data storage or communications system in use; and

(c) That information from any books, records, electronic data processing systems, computers or any other information storage system be made available to him at any reasonable time and in any reasonable manner.

IV. The commissioner may prescribe forms for the reports under RSA 400-A: 36, III. The forms shall be consistent, as far as practicable, with those prescribed by other states.

V. Any officer, manager or general agent of any insurer authorized to do or doing an insurance business in this state, and any person controlling or having a contract under which he has a right to control such an insurer, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such an insurer's affairs, and any insurance agent or other person licensed under the insurance code shall reply promptly in writing or in other designated form, to any written inquiry from the commissioner requesting a reply.

VI. The commissioner may require that any communication made to him under this section be verified.

VII. IMMUNITY. In the absence of actual malice, no communication required by the commissioner under this section shall subject the person making it to an action for damages for defamation.

VIII. The information obtained pursuant to RSA 400-A: 35, III shall be privileged.

IX. Any director, officer, agent or employee of any insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, having actual knowledge that the same contains any material statement which is false, may be punished by a fine of not more than \$5,000, or by imprisonment for not less than one year, or both such fine and imprisonment.

400-A: 37 Examinations.

I. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the commissioner shall deem it expedient, he shall examine, either in person or by some examiner duly authorized by him the affairs, transactions, accounts, records, documents, and assets of each authorized insurer as to any matter relevant to the financial affairs or obligations of the insurer or any other fact relative to its business methods, management and its dealings with policyholders, as often and to the extent he deems advisable. Except as otherwise expressly provided, he shall examine each domestic insurer at least once every three years. Examination of an alien insurer shall be limited to its insurance transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the commissioner. The insurance commissioner shall annually value or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company authorized to do business in this state in accordance with the Standard Valuation Law. For the purpose of making such valuation, the commissioner may employ a competent actuary who shall make such valuation of its contractual obligations, and compliance with the law.

(a) The commissioner shall in like manner examine each insurer applying for an initial certificate of authority to transact insurance in this state.

(b) In lieu of making his own examination, the commissioner may, in his discretion, accept a full report of the last recent examination of a foreign or alien insurer, certified to by the insurance supervisory official of another state.

(c) As far as practical the examination of a foreign or alien insurer shall be made in cooperation with the insurance supervisory officials of other states in which the insurer transacts business.

II. For the purpose of ascertaining compliance with law or relationships and transactions between any person and any insurer or proposed insurer, and in circumstances where the commissioner has reasonable grounds to believe there is noncompliance with or violation of law, regulation, or order, he may, as often and to the extent he deems advisable, examine the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs or proposed insurance affairs and transactions of:

(a) Any insurance agent, broker, general agent, surplus line licensee, adjuster, consultant, insurer representative, or any person holding himself out as any of the foregoing. (Provided, however, that if upon examination of any person specified in this paragraph the commissioner shall determine that such person is not in violation of the provisions of title XXXVII or applicable regulations, the expense of the examination shall be borne by the insurance department.)

(b) Any person having a contract under which he enjoys by terms or in fact the exclusive or dominant right to manage or control the insurer.

(c) Any person in this state engaged in, or proposing to be engaged in this state in, or holding himself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation, or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

(d) Any rating bureau or organization.

(e) Any licensee or other person subject to this title

(f) or if adequate information cannot be obtained, any insurance holding company; or person holding the shares of voting stock or policyholder proxies of an insurer as voting trustee or otherwise, for the purpose of controlling the management thereof.

III. CONDUCT OF EXAMINATION. Whenever the commissioner determines to examine the affairs of any person, he shall designate one or more examiners and instruct them as to the scope of the examination. The examiner shall, upon demand, exhibit his official credentials to the person under examination.

(a) The commissioner shall conduct each examination in an expeditious, fair and impartial manner.

(b) Upon any such examination the commissioner, or the examiner if specifically so authorized in writing by the commissioner, shall have power to administer oaths, and to examine under oath any individual as to any matter relevant to the affairs under examination or relevant to the examination.

(c) Every person being examined, its officers, attorneys, employees, agents, and representatives shall make freely available to the commissioner or his examiners the accounts, records, documents, files, information, assets, and matters of such person in his possession or control relating to the subject of the examination and shall facilitate the examination.

(d) If the commissioner or examiner finds any accounts or records to be inadequate, or kept or posted in a manner not in accordance with commonly accepted insurance accounting principles, the commissioner may employ experts to reconstruct, rewrite, post or balance them at the expense of the person being examined if such person has failed to

maintain, complete or correct such records or accounting after the commissioner or examiner has given him written notice and a reasonable opportunity to do so.

(e) Neither the commissioner nor any examiner shall remove any record, account, document, file or other property of the person being examined from the offices or place of such person except with the written consent of such person in advance of such removal or pursuant to an order of court duly obtained. This provision shall not be deemed to affect the making and removal of copies or abstracts of any such record, account, document, or file.

(f) Any individual who refuses without just cause to be examined under oath or who willfully obstructs or interferes with the examiners in the exercise of their authority pursuant to this section shall, upon conviction thereof, be subject to a fine of not more than two thousand five hundred dollars or imprisonment for not more than one year, or by both such fine and imprisonment.

IV. Exam report; contents; evidence.

(a) Upon completion of an examination, the examiner in charge shall make a true report thereof which shall comprise only facts appearing upon the books, records or other documents of the person examined, or as ascertained from the sworn testimony of its officers or agents or other individuals examined concerning its affairs, and such conclusions and recommendations as may reasonably be warranted from such facts. The report of examination shall be verified by the oath of the examiner in charge thereof.

(b) Such a report of examination of an insurer so verified shall be prima facie evidence in any delinquency proceeding against the insurer, its officers, employees, or agents upon the facts stated therein; and whether or not the report has been filed in the department as provided in RSA 400-A: 37, V, (c).

V. Exam reports; distribution; procedure.

(a) The commissioner shall deliver a copy of the examination report to the person examined, together with a notice affording such person twenty days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report and recommend changes therein.

(b) If so requested by the person examined, within the period allowed under RSA 400-A: 37, V, (a), or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and his order thereon; except, that the commissioner may furnish a copy of the report to the governor, attorney general or treasurer of state pending final decision thereon.

(c) If no such closed hearing has been requested or held, the examination report, with such modifications, if any, thereof as the commissioner deems proper, shall be accepted by the commissioner and filed in the department upon expiration of the review period provided for in RSA 400-A: 37, V, (a). The report shall in any event be so accepted and filed within six months after final hearing thereon.

(d) The commissioner shall forward to the person examined a copy of the examination report as filed, together with any recommendations or statements relating thereto which he deems proper.

(e) If the report is of an examination of a domestic insurer, a copy of the report, or a summary thereof approved by the commissioner, when filed in the department, together with the recommendations or statements of the commissioner or his examiner, shall be presented by the insurer's chief executive officer to the insurer's board of directors or similar governing body at a meeting thereof which shall be held within ninety days next following receipt of the report in final form by the insurer. A copy of the report shall also be furnished by the secretary of the insurer, if incorporated, or by the attorney-in-fact if a reciprocal insurer, to each member of the insurer's board of directors or board of governors (if a reciprocal insurer), and the certificate of the secretary or attorney-in-fact that a copy of the examination report has been so furnished shall be deemed to constitute knowledge of the contents of the report by each such member.

(f) The report when so filed in the department shall be admissible in evidence in accordance with rules of the superior court, in any action or proceeding brought by the commissioner against the person examined, or against its officers, employees or agents. In any such action or proceeding, the commissioner or his examiners may, however, at any time testify and offer proper evidence as to information secured or matters discovered during the course of an examination, whether or not a written report of the examination has been either made, furnished, or filed in the department.

VI. All reports pursuant to this section shall be absolutely privileged and although filed in the department provided in RSA 400-A:37, V shall nevertheless not be for public inspection except as to those portions of reports pursuant to paragraph I hereof showing the current financial condition of the domestic insurers. The comments and recommendations of the examiner shall also be deemed confidential information and shall not be available for public inspection, except as the commissioner in his discretion may deem.

VII. EXAMINATION EXPENSE. The insurer or other person examined pursuant to this section shall bear the expense of the examination. Such expense shall be limited to: A reasonable per diem allowance for compensation and expenses as determined by the commissioner. As to the per diem expense allowance and compensation allowance involved in any such examination, the commissioner may give due consideration to scales and limitations recommended by the National Association of Insurance Commissioners and outlined in the examination manual sponsored by that association. Provided, however, that if upon examination of any person specified in RSA 400-A:37, II, (a) the commissioner shall determine that such person is not in violation of the provisions of title XXXVII or applicable regulations, the expense of the examination shall be borne by the department.

244:2 Service of Process, Fee. Amend RSA 405:10 by striking out in line eight the words "of two dollars" and inserting in place thereof the words (as prescribed by RSA 400-A:29) so that said section as amended shall read as follows:

405:10 Service of Process Through Insurance Commissioner. No such joint stock or mutual insurance company, nor its agents, shall do business in this state until it has filed with the commissioner a written stipulation, agreeing that legal process affecting the company, served on the commissioner for the time being, shall have the same effect as if

served personally on the company within the state. Service of such process shall be made by leaving a copy of the process in the hands of the commissioner or in his office and paying to the commissioner a fee as prescribed by RSA 400-A: 29.

244: 3 Firemen's Relief. Amend RSA 402: 66 by striking out in line two the words "this chapter" and inserting in place thereof the words (RSA 400-A) so that said section, as amended, shall read as follows:

402: 66 Relief Fund. Four thousand dollars of the amount received as the taxes imposed by RSA 400-A shall annually be set apart by the state treasurer, and kept distinct from all other funds, and shall be known as the firemen's relief fund.

244: 4 Life Insurer Registration Application. Amend RSA 408: 36 (supp) as inserted by 1967, 272: 2 and amended by 1969, 366: 9 by striking out in line three the words "of one hundred dollars" and inserting in place thereof the words (in accordance with RSA 400-A: 29) so that said section as amended shall read as follows:

408: 36 Application Fee. Any such life insurance corporation desiring registration shall file written application therefor with the insurance commissioner, accompanied by a registration fee in accordance with RSA 400-A: 29, which is not to be returned if the application is not granted.

244: 5 Insurer Registration. Amend RSA 408: 43 (supp) as inserted by 1967, 272: 2 and amended by 1969, 366: 11 by striking out in line two the words "an application fee of fifteen dollars" and inserting in place thereof the words (the proper application fee) and by striking out in line six the words "a twenty-five dollar" and inserting in place thereof the words (the proper) so that said section, as amended, shall read as follows:

408: 43 Application. Upon written application by a registered insurance corporation, accompanied by the proper application fee for each person, the commissioner shall, if he is satisfied that they are suitable persons, register, as agents or salesmen of such insurance corporation, such persons as the said insurance corporation may request, upon payment of the proper registration fee.

244: 6 Renewals. Amend RSA 408: 48 (supp) as inserted by 1967, 272: 2 and amended by 1969, 366: 12 by striking out in line five the words "one hundred dollars" and inserting in place thereof the words (the proper fee) so that said section as amended shall read as follows:

408: 48 Renewal of Registrations. New registration of any such corporation for the succeeding year may be issued as of course without the filing of further statements or furnishing any further information, unless specifically requested by the commissioner, upon written application of the said insurance corporation and payment of the proper fee for each registration.

244: 7 Variable Annuity Contracts. Amend RSA 408: 52 as inserted by 1967, 272: 2 by striking out in line nine the words "of twenty-five dollars" and inserting in place thereof the words (in accordance with RSA 400-A: 29) so that said section as amended shall read as follows:

408: 52 Qualification of Variable Annuity Contracts. No registered insurance corporation or its salesmen or agents shall sell or offer for sale

any form of variable annuity contract unless the sale of such form of contract has been approved by the commissioner. Such a corporation desiring to qualify such variable annuity contract form shall submit to the commissioner such descriptive statistical, or documentary information as he may require. The commissioner shall after examination of such information approve or disapprove the sale of such variable annuity contract in the said form. A fee in accordance with RSA 400-A: 29 shall be charged for the examination of material submitted to obtain the qualification of a new variable annuity contract form. The commissioner may prescribe rules and regulations, consistent with the character of variable annuities as insurance contracts, to carry out the purposes hereof, including the right to require by regulation that the sales load of such contracts, computed over the entire period during which the annuitant is to pay premiums in order to derive full benefit of the annuity, shall not exceed nine per cent of such payments, that not more than one-half of any of the first year's scheduled payments is deducted for sales load and that the first premium payment will not be less than twenty dollars nor any subsequent premium payment will not be less than ten dollars and including the right to make all other necessary rules and regulations consistent with this chapter.

244: 8 Fraternal Society Fee. Amend RSA 418: 16 by striking out in line ten the words "twenty-five" and inserting in place thereof the words (one hundred) so that said section, as amended, shall read as follows:

418: 16 Annual License. Societies which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the effective date of this chapter, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, a license so issued shall continue in full force and effect until the new license be issued or specifically refused except that no unincorporated or voluntary society shall be permitted to transact business in this state after the thirty-first day of December, nineteen hundred forty-six. For each such license or renewal the society shall pay the commissioner of insurance one hundred dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

244: 9 Foreign Society Admission Fee. Amend RSA 418: 17 by striking out in line twenty-nine the word "twenty-five" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows:

418: 17 Admission of Foreign Society. No foreign society, which is not now authorized to transact business in this state, shall transact any business herein without a license from the commissioner of insurance. Any such society may be licensed to transact business in this state upon filing with the commissioner a duly certified copy of its charter or articles of incorporation, a copy of its constitution and laws, certified by its secretary, or corresponding officer, a power of attorney to the commissioner as hereinafter provided, a statement of its business under oath of its president and secretary, or corresponding officers, in the form required by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the commissioner of insurance of this state, a certificate from the proper official

in its home state, province, or country, that the society is legally incorporated and licensed to transact business therein, copies of its certificate forms, and upon furnishing the commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province, or country where it is organized, the commissioner shall issue a license to such society to do business in this state until the first day of the succeeding April, and such license shall, upon compliance with the provisions of this chapter, be renewed annually, but in all cases to terminate on the first day of the succeeding April; provided, however, that the license shall continue in full force and effect until the new license be issued or specifically refused. Any foreign society desiring admission to this state shall have the qualifications required of domestic societies organized under this chapter and have its assets invested as required by the laws of the state, territory, district, country or province where it is organized. For each such license or renewal, the society shall pay the commissioner one hundred dollars. If the commissioner refuses to license any society, or revokes its authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons therefor, to the secretary, or other corresponding officer, of the society. Nothing contained in this chapter shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

244:10 Hospital Service Corporation License. Amend 419:3, IV by striking out said paragraph and inserting in place thereof the following:

IV. ISSUANCE OF LICENSE. A license to transact hospital service hereunder shall be issued by the commissioner when he finds the applicant

(a) is safe, reliable, and entitled to public confidence,

(b) has paid an annual license fee in accordance with RSA 400-A:29, and

(c) has complied with the laws of the state.

244:11 License to Hospital Service Corporation Agents. Amend RSA 419:4, II (supp) as amended by 1969, 366:14 by striking out in line five the words "ten dollars" and inserting in place thereof the words (the proper fee) so that the paragraph as amended shall read as follows:

II. LICENSE. Upon written notice by a licensed hospital service corporation of its appointment of a person to act as its agent, the commissioner shall, if he is satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of the proper fee, issue to him a license, which shall state in substance that the corporation is authorized to do business in this state and that the person named therein is the constituted agent of the corporation for the purposes set forth in said license. Such license shall be limited to the solicitation of hospital service business.

244:12 Renewal of Hospital Service Corporation Licenses. Amend RSA 419:4, III (supp) as amended by 1969, 366:15 by striking out in line two the words "ten dollars" and inserting in place thereof the words (the proper fee) so that the paragraph as amended shall read as follows:

III. RENEWALS. A license previously issued may be renewed upon application of the corporation and payment of the proper fee.

244:13 Medical Service Corporation License. Amend RSA 420:3, IV by striking out said paragraph and inserting in place thereof the following:

IV. LICENSE. On compliance with the foregoing condition, and if the corporation is found upon an examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, and is deemed by the commissioner to be safe, reliable and entitled to public confidence, and upon payment of a license fee in accordance with RSA 400-A:29, a license shall be issued.

244:14 Issuance of License to Agents of Medical Service Corporation. Amend RSA 420:4, II (supp) as amended by 1969, 366:17 by striking out in line five the words "ten dollars" and inserting in place thereof the words (the proper fee) so that said paragraph as amended shall read as follows:

II. LICENSE. Upon written notice by a medical service corporation licensed to do business in this state of its appointment of a person to act as its agent herein, the insurance commissioner shall, if he is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of the proper fee by the applicant, issue to the appointee a license, which shall state in substance that the corporation is authorized to do business in this state for the purposes set forth in said license. Such license shall be limited to the solicitation of medical service business.

244:15 Renewal of Medical Service Corporation Licenses. Amend RSA 420:4, III (supp) as amended by 1969, 366:18 by striking out in line two the words "ten dollars" and inserting in place thereof the words (the proper fee) so that said paragraph as amended shall read as follows:

III. RENEWALS. A license previously issued may be renewed upon the application of the medical service corporation upon payment of the proper fee.

244:16 Motor Vehicle Road Service and Tourist Service. Amend RSA 269:6 (supp) as amended by 1969, 366:30 by striking out said section and inserting in place thereof the following:

269:6 Fees for Licenses. The fees for each license issued under this chapter shall be in accordance with the provisions of RSA 400-A:29.

244:17 Application of Personnel Provisions. The provisions in RSA 400-A:3 setting the term of office for the insurance commissioner shall not take effect until the expiration of the term of the commissioner in office on the effective date of this act. Until such expiration, the commissioner in office shall have the same rights, powers and duties as those conferred on the insurance commissioner by this act. The provisions of 400-A:6, I, shall not become effective until there is a vacancy in the office of deputy commissioner of insurance. The provision of 400-A:7 shall become effective on July 1, 1971, and the term of office of the research assistant in office on the effective date of this act if such date is earlier than July 1, 1971, shall expire on June 30, 1971.

244:18 Claims Adjusters. Amend RSA 402-B:8, I and II (supp) as inserted by 1969, 218:1 and amended by 1970, 37:5 by striking out said paragraphs and inserting in place thereof the following:

I. For each original insurance claims adjuster's license, as prescribed by RSA 400-A:29.

II. For each renewal, as prescribed by RSA 400-A:29.

244: 19 Repeal. The following chapter and sections of RSA are hereby repealed:

I. RSA 400 relative to the insurance commissioner;

II. RSA 402: 24 (supp) as amended by 1969, 366: 4 relative to insurance company license fees;

III. RSA 402: 36, 37, and 38 relative to examination of and reports by insurance companies;

IV. RSA 402: 72 relative to testimonial privileges;

V. RSA 405: 59 relative to reciprocal taxes, fines, and like obligations or prohibitions, and

VI. RSA 402: 57-a and RSA 402: 57-b, as inserted by 1970: 37, relative to a premium tax, and

VII. RSA 402-B: 10 as inserted by 1969, 218: 1.

244: 20 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 18, 1971.]

[Effective date August 17, 1971.]

CHAPTER 245.

AN ACT REGULATING OUTDOOR ADVERTISING ON THE INTERSTATE,
FEDERAL AID SYSTEMS, AND TURNPIKES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

245: 1 Regulation of Outdoor Advertising on Interstate Highways and Federal Aid Highways. Amend RSA 249-A as inserted by 1961, 269: 1 and amended by 1963, 3: 1 and 2; 1967, 423: 2 and 1969, 429: 1 by striking out said chapter and inserting in place thereof the following new chapter:

CHAPTER 249-A [NEW]

OUTDOOR ADVERTISING

249-A: 1 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for maximum visibility along the interstate system, federal aid primary system, and turnpike system, and connecting roads or highways; to prevent unreasonable distraction of operators or motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations; to promote maximum safety, comfort and well-being of users of the interstate system, federal aid primary system, and turnpike system; to preserve and enhance the natural scenic beauty or the aesthetic features of the interstate system, federal aid primary system, turnpike system and adjacent areas; to promote the reasonable, orderly and effective display of advertising devices along such systems; and to regulate advertising devices along such systems in a manner consistent with customary use in this state. To implement this declared policy and cooperate with the United States government in the construction and maintenance of public highways in accordance with title 23 United States code as amended and supple-

mented, this chapter provides for the regulation of advertising devices on the interstate and federal aid primary highway systems.

249-A: 2 Definitions. As used in this chapter:

I. The words "advertising device" shall include any billboard, outdoor sign, notice, poster, display figure, painting, message, placard or any other device which is designed or intended to attract or which does attract the attention of operators of motor vehicles on the interstate system, federal aid primary system, and turnpike system and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

II. The words "on-premise signs" shall mean advertising devices which are to be erected and maintained on property for the following purposes:

(a) To set forth the name and address of the owner, lessee, or occupant of such property;

(b) To list information required by law to be posted or displayed thereon;

(c) To set forth the name of the business or profession conducted on such property, or to identify the goods or services produced or sold on such property;

(d) To indicate the sale or leasing of the real property upon which they are placed.

III. The words "directional and informational signs" shall mean directional and informational signs in the specific interest of the traveling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided the erection of such signs is not inconsistent with the standards to be promulgated by the United States secretary of transportation under section 131(f) of the Federal Highway Beautification Act of 1965. For the purpose hereof, informational signs are deemed to be in the specific interest of the traveling public only if they contain information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping. The commissioner of public works and highways is vested with authority to determine whether informational signs are in the specific interest of the traveling public.

IV. The words "interstate system" shall mean all highways which are a part of the national system of interstate and defense highways described in subsection (d) of section 103 of title 23, United States code.

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of title 23, United States code.

VI. "Commercial or industrial activities" shall mean those activities generally recognized as business, industrial or commercial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, grazing, farming and related activities, including but not limited to wayside fresh produce stands;

(c) Transient or temporary activities;

(d) Activities conducted in a building used principally as residence;

(e) Railroad tracks and minor sidings; and

(f) Activities which are not visible from the main traveled way.

VII. The words "zoned commercial or industrial areas" shall mean those areas zoned for business, industrial or commercial use pursuant to a municipal zoning ordinance, regulation or bylaw.

VIII. The words "unzoned commercial or industrial area" shall mean any area not zoned by any municipality in which, if an advertising device is or might be located therein, such device is or would be so located that there are at any time two or more separate businesses, industrial or commercial activities of a permanent nature conducted no greater than one thousand feet apart; such one thousand feet being measured between points on the outer edge of the regularly used buildings, parking lots, or storage or parking areas, provided, however, that no such advertising device may be located more than five hundred feet from the nearest such business, industrial or commercial activity measuring from the point on the outer edge of the regularly used buildings, parking lots, storage or processing areas of such activity nearest to such device.

IX. The word "erect" shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to a change of advertising message or customary maintenance or replacement of the sign structure.

X. The word "maintain" shall mean to allow to exist.

XI. The words "federal highway adjacent area" shall mean an area which is adjacent to and within six hundred sixty feet of the nearest edge of the right-of-way of any interstate or federal aid primary highway, which six hundred sixty foot distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway, or which is visible from the main travelled way.

XII. The words "political sign" shall mean an advertising device intended to promote the candidacy or election of any public official which device is basically impermanent in nature.

XIII. The words "turnpike system" shall mean any portion of the Spaulding turnpike or the F. E. Everett turnpike, as established by RSA 256, 257, and 257-A which are not defined as an interstate system or a federal aid primary system in paragraphs IV and V of this section, or any other turnpike which may be constructed or established in this state.

XIV. The words "turnpike adjacent area" shall mean an area which is adjacent to and within six hundred sixty feet of the nearest edge of the right-of-way of any turnpike system, as defined in paragraph XIII of this section, which six hundred sixty foot distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway, or which is visible from the main travelled way.

249-A: 3 Licenses. No person shall erect or maintain more than ten advertising devices in federal highway or turnpike adjacent areas other than such devices described in paragraphs III, IV and V of section 5 without first obtaining a license from the commissioner of public works and highways. The fee for such license shall be paid annually in advance. The fee for persons erecting or maintaining fifty or more advertising devices shall be one hundred dollars, and for persons erecting or maintaining less than fifty but more than ten such devices, the fee shall be fifty dollars. An application for a license or renewal of a license shall contain the name and residence or principal address of the applicant and such other reasonable information as the commissioner may from time to time require and

shall be accompanied by the annual fee. Licenses granted under this section shall expire on April first following the date of issue, and fees therefor shall not be prorated. All applications for renewal of licenses shall be filed with the commissioner on or prior to March fifteenth preceding their expiration. Applications for a license or renewal of a license shall be granted except as otherwise provided in section 9. All fees collected hereunder shall be deposited in the highway fund.

249-A: 4 Permits. No advertising device other than such a device described in paragraphs III, IV, and V of section 5 shall be erected or maintained in a federal highway or turnpike adjacent area without a permit issued by the commissioner of public works and highways. Application for a permit or renewal of a permit shall contain the name and residence or principal business address of the applicant, the location of the device to be permitted and its size, excluding border and trim, base or apron, supports and other structural members, the number of faces carrying advertising, a signed statement of the owner of the property upon which the device to be permitted is or will be located that he has consented to such device, the amount of rental compensation being paid to the said owner, and such other reasonable information or requirements as the commissioner may require. However, on an application for renewal of a permit the commissioner may waive the requirement for furnishing a signed consent statement from the owner of the property on which the device is located. Permits shall expire on April first following the date of issue and fees shall not be prorated. Applications for renewal of a permit shall be filed prior to March fifteenth preceding expiration of the permit. Only one permit shall be required for double face or v-type devices, but fees shall be charged with respect to each face used for advertising. Advertising copy may be changed at any time without requiring a new permit. Applications for a permit or renewal of a permit shall be granted except as provided in section 9, and each application shall be accompanied by fees in accordance with the following schedule:

I. For sign faces of fifty square feet or less, five dollars.

II. For sign faces of more than fifty square feet but less than three hundred and fifty square feet, ten dollars.

III. For sign faces of three hundred and fifty square feet or more, twenty dollars.

All fees collected hereunder shall be deposited in the highway fund.

249-A: 5 Restriction of Advertising. After January 1, 1970, no advertising devices shall be erected or maintained within a federal highway adjacent area and after January 1, 1972, no advertising devices shall be erected or maintained within a turnpike adjacent area except the following:

I. Advertising devices located in a zoned area erected and maintained without violation of sections 3, 4, and 6 as follows:

(a) Adjacent to segments of the interstate system legally zoned on September 21, 1959 as commercial or industrial.

(b) Along the federal aid primary and turnpike systems in a zoned commercial or industrial area.

II. Advertising devices located along the federal aid primary or turnpike systems in an unzoned commercial or industrial area and erected and maintained without violation of sections 3, 4, and 6 other than such

devices located in such an area determined by the commissioner of public works and highways to be predominantly residential.

III. On premise signs which are to be erected and maintained on the property for the purpose of setting forth:

(a) The name and address of the owner, lessee, or occupant of the property;

(b) Information required by law to be posted or displayed on the property;

(c) The name of the business or profession conducted on the property, or an identification of the goods or services produced or sold on such property, provided, not more than one such sign, visible to traffic proceeding in any one direction on any one interstate, federal aid primary or turnpike highway and advertising activities being conducted on the real property where the sign is located shall be permitted more than fifty feet from the advertised activity; and

(d) Advertising devices indicating the sale or leasing of the real property upon which they are placed, provided, not more than one such sign advertising the sale or lease of the same property shall be permitted in such a manner as to be visible to traffic proceeding in any one direction on any one interstate, federal aid primary or turnpike highway.

IV. Directional, informational or official signs:

(a) Within the right-of-way as determined by the commissioner of public works and highways to be in the specific interest of the traveling public and which conform to national standards as promulgated by the secretary of transportation; and

(b) Off the right-of-way as may be permitted under rules and regulations to be promulgated by the commissioner of public works and highways. Such signs may include signs directing the traveling public to privately owned resorts, hotels, restaurants or other commercial establishments catering to the traveling public where the commissioner of public works and highways determines that such a sign is necessary to the continued operation of such commercial establishment and that traffic safety is best served by providing such a sign to the traveling public thereby avoiding confusion on the part of the motorist. Any such directional sign shall be erected and maintained by the commercial establishment involved under the rules and regulations prescribed by the commissioner, and which conform to national standards as promulgated by the secretary of transportation.

V. Political signs which are placed within a federal highway or turnpike adjacent area by supporters of the candidate shall be permitted only so long as their location is donated by the property owner free of charge and shall be subject to removal at any time by the department of public works and highways if such signs create a traffic hazard; provided, the areas allowed shall be restricted to federal aid primary and turnpike highways and not interstate highways. The candidate shall cause such political signs to be removed within ten days after the election for which they were created.

VI. No sign which is to be permitted under paragraphs III, IV, and V of this section may be permitted to be erected or maintained, in any manner inconsistent with standards, criteria, and rules and regulations to be promulgated by the commissioner of public works and highways that are necessary in order to meet the requirements of section 131 of title 23, United States code. No advertising device, notwithstanding any other pro-

vision of this chapter, will be permitted which does not conform to the national standards found in chapter 1, part 20 of title 23, code of federal regulations.

249-A: 6 Regulation of Erection and Maintenance of Certain Advertising Devices. Subject to the provisions of sections 3, 4, and 5 and except as otherwise provided in section 8, after January 1, 1970, erection and maintenance of advertising devices located in federal highway adjacent areas and after January 1, 1972, erection and maintenance of advertising devices located in turnpike adjacent areas, other than such devices permitted under paragraphs III, IV, and V of section 5 shall be governed by the following provisions:

I. GENERAL. With respect to advertising devices located in federal highway or turnpike adjacent areas;

(a) No device may be erected or maintained that is inconsistent with the following:

(1) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(2) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(3) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the interstate, federal aid primary or turnpike highways, or is of such low intensity or brilliance as not to cause glare or not to impair the vision of the driver of any motor vehicle, or does not otherwise interfere with any driver's operation of a motor vehicle.

(4) No sign may be permitted to be erected or maintained upon trees, or painted or drawn upon rocks or other natural features, or upon utility poles.

(5) No sign may be permitted which is obsolete, not clean and in good repair, or that is not securely affixed to a substantial structure.

(b) An advertising device shall not be maintained without the attachment thereto of a weatherproof label, which label shall be provided by the commissioner of public works and highways, and shall contain the number of the permit.

(c) An advertising device shall not be maintained unless the name of the permittee appears legibly thereon. Whether a name appears legibly shall be determined by the commissioner of public works and highways in accordance with such standards as he may from time to time prescribe.

II. SIZE. With respect to advertising devices located in federal highway or turnpike adjacent areas or in view of any interstate, federal aid primary or turnpike highway:

(a) Advertising devices may be erected with, but only with, an area not exceeding seven hundred and fifty square feet and with a maximum height of twenty feet and a maximum length of fifty feet, excluding border and trim, base or apron, supports and other structural members; provided that the commissioner shall permit the maintenance of devices of larger size if lawfully erected prior to the effective date of this chapter and otherwise permitted by the provisions of this chapter.

(b) The maximum size limitations shall apply to each facing. Two advertising devices not exceeding three hundred fifty square feet each may be erected in a facing.

III. LIGHTING. Advertising devices located in federal highway or turnpike adjacent areas may be lighted, subject only to such restriction with respect to devices to be erected as may from time to time be prescribed by the commissioner.

IV. LOCATION. With respect to advertising devices located in federal highway or turnpike adjacent areas:

(a) Advertising devices shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the commissioner.

(b) Required spacing for advertising devices to be erected or maintained on one side of an interstate, turnpike or limited access federal aid primary highway shall be not less than five hundred feet provided, however, that such spacing shall not apply to devices which are separated by a building or other obstruction in such manner that only one such device is visible from such highway at any one time.

(c) No advertising device may be erected with respect to an interstate, limited access federal aid primary, or turnpike highway within five hundred feet of an interchange or safety rest area located on the same side of the highway on which such sign might otherwise be erected. For purposes of this paragraph (c) such distance of five hundred feet shall be measured along the edge of the main-traveled way of any such highway from the point of beginning or ending of pavement widening with respect to an exit from, or an entrance to, such main-traveled way, to or from an interchange or a safety rest area, provided, however, that with respect to an interchange which consists of an entrance or an exit only, such distance shall be measured from the center line of the highway intersected by any such highway in the direction from such interchange in which there is no entrance or exit, as the case may be.

(d) Required spacing for advertising devices to be erected or maintained on one side of a nonlimited access federal aid primary highway in municipalities of four thousand population or more shall be:

(1) One hundred feet where the distance between centerlines of two highways intersecting any such highway is less than one thousand feet provided that not more than three devices shall be erected or maintained between such intersecting highways; and

(2) Three hundred feet where the distance between center lines of intersecting highways is one thousand feet or more.

(e) Required spacing for advertising devices to be erected or maintained on both sides of a nonlimited access federal aid primary highway in municipalities of less than four thousand population shall be three hundred feet.

(f) In this paragraph IV the following shall apply: Back-to-back advertising devices, devices erected on a v-type structure and two devices erected in a single facing shall be considered one advertising device. The word "highways" or the words "intersecting highways" shall not include alleys, undeveloped rights-of-way, private ways or driveways. Distances from advertising devices which are erected or maintained or are able to be erected, or distances to such devices, shall be measured along

the edge (nearest to any such devices or any locations in which such devices are able to be erected) of the main-traveled way of an interstate, federal aid primary or turnpike highway from or to points on such edge directly opposite such devices or locations. Advertising devices permitted under paragraphs III, IV, and V of section 5 shall not be considered advertising devices for purposes of any measurement or determination made under this paragraph IV or for purposes of any other requirement of this paragraph.

249-A: 7 Highways in Juxtaposition. Nothing herein shall prevent an owner of land from using, or permitting the use of, his land for outdoor advertising purposes where said owner's land abuts a highway parallel to, or nearly parallel to and less than six hundred sixty feet from the edge of right-of-way of an interstate, federal aid primary or turnpike highway provided that the advertising or informative contents of advertising devices erected and maintained on said land shall not be visible from the main-traveled way of an interstate, federal aid primary or turnpike highway.

249-A: 8 Nonconforming Signs Lawfully Erected. Any advertising device lawfully erected which is located in a federal highway or turnpike adjacent area and does not conform to sections 5 or 6 or any rule or regulation adopted under this chapter by the commissioner of public works and highways shall not be required to be removed by reason of such nonconformity until the end of the fifth year after it becomes nonconforming. No permit for any advertising device described in this section shall be revoked by reason of the nonconformity of such device with sections 5 or 6 (other than with subparagraphs (a), (b) or (c) of paragraph I of section 6) nor the renewal of a permit for such a device be denied by reason thereof so long as such device is not required to be removed; nor shall any license be revoked or denied, or the renewal thereof be denied, by reason of the nonconformity of such devices not required to be removed. Notwithstanding the foregoing provisions of this section, no advertising device which does not conform to sections 5 or 6 or any rule or regulation adopted under this chapter, the removal of which device would require just compensation to be paid pursuant to section 11 to the owner of the advertising device and/or the owner of the land on which the device is located, shall be required to be removed at any time if the federal share of just compensation to be paid under section 131 of title 23 United States code upon removal of such advertising device is not available to make such payment.

249-A: 9 Denial or Revocation of License or Permit; Nuisances; Orders for Removal. A license under this chapter may be denied or revoked, or a renewal denied, only for false or misleading information given in the application for such license or renewal, or for the erection or maintenance of advertising devices in violation of the provisions of this chapter or rules and regulations of the commissioner of public works and highways adopted pursuant hereto by the licensee or the applicant for such license or renewal thereof. A permit under this chapter may be denied or revoked, or a renewal denied, only for failure to obtain or have a license, for false or misleading information given in the application for such permit or renewal, or for the erection or maintenance of the advertising device permitted or to be permitted in violation of the provisions of this chapter or rules and regulations of the commissioner adopted pursuant

hereto by the permittee or the applicant for such permit or renewal thereof. Denial or revocation of a license or permit, or renewal thereof, may be made only after hearing before the commissioner upon thirty days' notice in writing to the licensee or permittee or applicant for such license or permit, or renewal thereof. The licensee or permittee or such applicant may within such thirty days correct such information or violation in which case the license or permit shall not be denied or revoked or a renewal denied. If revocation of a license or a permit or a determination that there should be a denial of issuance of a license or permit, or renewal thereof, is made after such a hearing the licensee or permittee, or applicant for such license or permit, or renewal thereof, shall have a right to a rehearing and a right of appeal as provided in RSA 541. Any advertising device erected or maintained in violation of this chapter or the rules and regulations of the commissioner adopted pursuant hereto other than such a device described in section 8 or which is maintained under permit shall be deemed a nuisance. A determination that an advertising device is a nuisance and an order for its removal shall be made by the commissioner only after a hearing upon thirty days' notice in writing to the owner of such device, provided, however, that such a determination and order for removal may be made without a hearing and without notice where a permit for such a device has been revoked or denied or renewal of such permit has been denied. If the commissioner cannot reasonably ascertain the name and address of the owner of the device, notice may be given by three publications of notice in a newspaper in the county where the device is located once in each week for three successive weeks, the last publication to be at least thirty days prior to such hearing. The owner of the device may within such thirty days correct any violation of the provisions of this chapter or the rules and regulations of the commissioner adopted pursuant hereto, and in such case the device shall not be required to be removed and no hearing will be held. Application for a license or permit within such thirty days shall be deemed a correction of any failure to obtain such a license or permit. If a determination that an advertising device is a nuisance is made after such a hearing, the owner of such device shall have a right to a rehearing and a right of appeal as provided in RSA 541. Notwithstanding any provisions of said chapter 541, no advertising device shall be required to be removed prior to a final determination that the license or permit should be denied or revoked or renewal thereof denied or that such device is a nuisance.

249-A: 10 Removal. After an order for removal has become final, the owner of the advertising device may remove it at his own expense. If such device has not been removed within thirty days after such an order has become final, the commissioner of public works and highways, or his duly authorized agents, may enter upon the property where it is located and remove it without incurring any liability by reason of such entry and at the expense of such owner.

249-A: 11 Just Compensation.

I. Just compensation shall be paid to the owner of the advertising device and to the owner of the land upon which it is located upon the removal, on or after the effective date of this section, of any such device required to be removed by reason of nonconformity with the provisions of this chapter which is lawfully existing on January 1, 1970 or lawfully erected thereafter, provided no compensation shall be paid to the owner of any advertising device or to the owner of the land on which it is located

if the reason for removal was failure to obtain a license or permit pursuant to sections 3 and 4 of this chapter.

II. Each such removal, whether by the owner of the advertising device, by the commissioner of public works and highways, or otherwise, shall be deemed to constitute a taking by the state of the following:

(a) From the owner of such device, all right, title and interest in and to such device, and his leasehold related thereto.

(b) From the owner of the real property on which such device is located, the right to erect and maintain such device.

III. The foregoing right to compensation of the owner of land shall be in lieu of any right to receive or retain rental from the owner of such device for the sign location for the period after removal of such device, and such right to receive or retain rental shall terminate upon such removal.

IV. Such compensation shall be paid to the person or persons entitled thereto upon presentation to the commissioner of such information as he may reasonably require, provided that the claim for compensation is filed within ninety days after removal is completed.

V. If the commissioner and a claimant do not reach agreement on the amount of compensation payable to such claimant in respect to any removal within one hundred twenty days after the filing of such claim, the claimant may institute an action to have such compensation determined as an assessment of damages suffered by the claimant as of the date of the removal. Such an action shall be instituted by filing a petition for assessment of damages in the superior court, in the county wherein the advertising device and land are located, or wherein the claimant resides or has its principal place of business in this state. The petition shall be filed no later than one year after the filing with the commissioner of such compensation claim. The court shall assess the damages by jury, or by the court without the jury, and award interest from the date as of which damages are assessed, and costs, to the claimant.

VI. In calculating just compensation to be paid to the owner of an advertising device required to be removed by reason of nonconformity with section 5 of this chapter after January 1, 1975, it is intended that the five-year period of nonconforming use shall be considered as whole or partial compensation to said owner for his loss. It is further intended that, in calculating just compensation to the owner of land for which rental compensation has been paid for the five preceding years, such rental income during the period of nonconforming use be taken into consideration as whole or partial compensation. If funds become available, the commissioner of public works and highways is authorized to negotiate the removal of advertising devices prior to the end of the five-year period and is authorized to pay just compensation.

249-A: 12 Penalty. Whoever erects or maintains an advertising device in violation of the provisions hereof and required to be removed shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars.

249-A: 13 Acceptance of Federal Funds. The commissioner of public works and highways may accept any allotment of funds by the United States, or any department or agency thereof, for the foregoing purposes.

249-A: 14 Agreement with United States Secretary of Transportation Relating to the Erection of Advertising Devices. The commissioner of

public works and highways may enter into agreements with the secretary of transportation or appropriate federal official of the United States as provided by section 131 of title 23, United States code provided that any such agreement shall be consistent with, and not more restrictive than, the provisions of this chapter, except that the agreement executed by the commissioner of public works and highways and the federal highway administrator on June 14, 1963 under the provisions of RSA 249-A as inserted by 1961, 269:1 and amended by 1963, 3:1 and 2 is hereby reaffirmed so that the commissioner of public works and highways may maintain the control required to receive and to continue to receive bonus payments from the federal government with respect to the control of outdoor advertising on the interstate system. Any expenditures of money by the commissioner in connection with agreements authorized by the section shall be payable from any funds available to the commissioner.

249-A:15 Regulations. Rules and regulations may be adopted under this chapter by the commissioner of public works and highways. Any such rules and regulations shall be reasonable, and consistent with, and not more restrictive than, the provisions of this chapter and consistent with customary use in this state. Prior to the adoption, amendment or repeal of any rule or regulation under this chapter the commissioner shall give notice to licensees hereunder in such form as he deems proper unless such rule or regulation shall exclusively relate to on premise signs or directional, informational or official signs or political signs and such other notice as he deems proper and afford interested persons an opportunity to present data, views or arguments. If the commissioner finds that oral presentation is unnecessary or impracticable, he may require that presentation be made in writing. Judicial review of any such rule or regulation may be had by a licensee or other interested person through a petition for declaratory relief in the superior court in the county wherein the petitioner resides or has its principal place of business in this state in the manner and to the extent provided under RSA 491:22. The commissioner shall make available such rules and regulations for distribution to any licensee or other person interested without charge or such charge not more than cost as the commissioner may prescribe.

249-A:16 Separability. If any provisions of this chapter or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this chapter and applicability of such provision to other persons or circumstances shall not be affected thereby.

249-A:17 Information Sites. The commissioner of public works and highways shall, in consultation with the secretary of transportation or appropriate federal official of the United States as provided by subsection (f) of section 131 of title 23, United States code, provide within the rights-of-way for areas at appropriate distances from interchanges on the interstate system, on which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards.

249-A:18 School Bus Shelters. School bus shelters for school children where used for or constructed to carry advertising matter, when approved by the superintending school committee of the town in which they are located, and upon payment of applicable license and permit fees

may be placed or maintained outside the right-of-way and carry not more than two panels each thereon for the identification of sponsors. No such panel shall exceed thirty-two square feet or extend beyond the sides of such shelter and at least sixty percent of its area must be devoted to public service, safety or other noncommercial use. Each such shelter shall, to the satisfaction of the superintending school committee, be constructed of durable material, with concrete floor raised above ground level, kept clean, well painted or otherwise suitably maintained at all times and kept free from snow, or the commissioner may order its removal.

249-A: 19 Advertising Devices Within Highway Rights-of-Way. Any advertising device so located as to be within the right-of-way of any interstate, federal aid primary, federal aid secondary, or turnpike highway shall be deemed to be illegally located. Removal and disposal of said device shall be effected after ten days' written notice to the owner of said device, provided the identity and mailing address of the owner are displayed on the device, by the department of public works and highways.

245: 2 Restrictions of Advertising on the Federal Aid Secondary System. The words, "federal aid secondary system" shall mean all highways which are a part of the federal aid system described in subsection (c) of section 103 of title 23, United States code. Notwithstanding any other provisions to the contrary, until sixty days after the adjournment of the 1973 session of the general court, no new outdoor advertising sign, display, or device shall be erected after the effective date of this act in any areas which are adjacent to and within six hundred sixty feet of or visible from the nearest edge of the right-of-way of any federal aid secondary highway, except the following:

- I. Directional and other official signs;
- II. Signs advertising the sale or lease of property upon which they are located;
- III. On premise signs, signs advertising activities conducted on the property on which they are located;
- IV. Signs which are to be located in any area which is at any time zoned to permit business industrial or commercial activities under the authority of any law of this state or to be located in an unzoned commercial or industrial area as defined above.

245: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 246.

AN ACT RELATIVE TO SUPERVISORY AUDITS OF CREDIT UNIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

246: 1 Auditing Requirement Changed. Amend RSA 394: 40 by striking out said section and inserting in place thereof the following:

394:40 Preliminary Audit. The supervisory committee shall at least semiannually make or cause to be made an audit of the books and records and an examination of the business and affairs of the credit union. They shall make a thorough audit of receipts, disbursements, assets and liabilities.

246:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 247.

AN ACT RELATIVE TO RENEWAL OF AUTOMOBILE INSURANCE POLICIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

247:1 Automobile Insurance. Amend RSA 417-A (supp) by inserting after section 3 the following new section:

417-A:3-a [New] Coercion by Insurer. No insurer shall refuse to renew a policy of automobile insurance previously issued to an individual solely because such individual has no other policy of insurance with said insurer.

247:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 248.

AN ACT AUTHORIZING THE ATTACHMENT OF CORPORATE SECURITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

248:1 Attachment or Levy. Amend RSA 511 by inserting after section 21 the following new section:

511:21-a [New] Corporate Securities. A security may be attached or levied upon as provided in RSA 382-A:8-317. Whenever jurisdiction exists over the person of a debtor who owns a security and the sheriff or deputy to whom a creditor has delivered process for the attachment of or levy upon such security is unable to seize or take possession of the same, the superior court, upon application of the creditor and with or without notice to the debtor, may issue a mandatory order enjoining the debtor from transferring or encumbering such security and directing the debtor to surrender such security to the sheriff or his deputy within a time limit to be set forth in the order, for the purpose of enabling such officer to attach or levy upon the same. Such order shall be served upon the debtor by such officer, and failure to comply therewith shall be punishable as a

contempt of court. No bond shall be required of the creditor as a condition precedent to the issuance of such an order ex parte, but, in such cases, the order of the court shall set a time and place prior to the expiration of the time limit for compliance therewith, at which the debtor may be heard if he desires, and upon such hearing the ex parte order may be stayed or modified for just cause shown. "Security" as used herein means a security as defined in RSA 382-A: 8-102.

248:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 249.

AN ACT AUTHORIZING BANK OFFICERS TO CERTIFY ON MORTGAGE APPLICATIONS THE VALUE OF THE PROPERTY TO BE MORTGAGED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

249:1 Authorizing Bank Officers to Certify Value of Property on Mortgage Applications. Amend RSA 387: 4, I as amended by 1955, 214: 13; 1959, 61: 1; 1961, 246: 2; 1963, 326: 2 and 1967, 234: 4 by striking out said paragraph and inserting in place thereof the following:

*I. REAL ESTATE IN NEW HAMPSHIRE AND CONTIGUOUS STATES. Those directly secured by first mortgage on real estate situated within this state or within any state contiguous to this state; but no such investment shall be in a loan which exceeds seventy-five percent of the value of the real estate by which it is secured; except that investment may be in a loan which exceeds seventy-five percent but not ninety percent of the value of the real estate by which it is secured, provided that it shall be secured by a first mortgage on real estate containing one or more dwelling units for not more than four families each and which mortgage or mortgage note shall provide for payment of the note within a period of thirty years from the date when the first monthly payment shall become due, and the first monthly payment shall become due nine months from the date of the note or one month from the final disbursement of funds, whichever shall first occur, and which payments, so long as the balance of the loan exceeds seventy-five percent of the value of the real estate by which it is secured, shall include a proportionate share of the amount necessary to pay the real estate and other taxes upon such property. No loan or mortgage shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and except upon report of not less than two members of the board of trustees or board of directors, or two officers of the bank acting on behalf of the board of trustees or board of directors who shall certify on said application, according to their best judgment, on the basis of an appraisal made by one of their members, or by some officer of the bank, or some appraiser employed by the bank for the purpose of appraisal, the value of the premises to be mortgaged; and such application shall be filed and preserved with the records of the corporation. The premises so mortgaged shall be

* This paragraph was also amended by 1971, 513: 2, eff. Sept. 4, 1971.

revalued in the same manner at intervals of five years so long as they are mortgaged to the bank, provided that such revaluation may be omitted on any such fifth anniversary if on such date the ratio of the unpaid principal balance of the loan to the last prior appraised value of the premises is less than fifty percent. If as a result of any such revaluation the amount of the loan is found to be in excess of the authorized percentage of the value of the premises mortgaged, a sufficient reduction in the amount of the loan shall be required, as promptly as may be practical, to bring the loan to within the authorized percentage. In determining whether any loan exceeds the authorized percentage of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the administrator of veterans affairs under title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or (2) an obligation wholly guaranteed under such title, or (3) that portion of any loan or obligation which the Small Business Administration has unconditionally agreed to purchase, or (4) that portion of a loan on industrial real estate guaranteed by the state of New Hampshire under RSA 162-A: 14-a-c, or guaranteed by any state contiguous to New Hampshire under terms providing security equal to or greater than those of RSA 162-A: 14-a-c. No bank shall be restricted to the above authorized percentages on a loan secured by property which the borrower is purchasing from the bank.

249: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 250.

AN ACT PROVIDING FOR THE DISTRIBUTION OF THE STATE APPROPRIATION FOR SCHOOL HOT LUNCHES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

250: 1 Appropriations for Hot Lunches, Use. Amend RSA 186: 13 by inserting after paragraph X the following new paragraph:

XI. NATIONAL SCHOOL LUNCH MATCHING FUNDS. To share with local school districts, under Public Law 91-248, the cost of the National School Lunch Program, excluding state salary and administrative expenses, the state board of education shall from appropriated funds disburse such funds to schools in such manner that each school receives the same proportionate share of such funds as it receives of the federal funds apportioned to New Hampshire for the same federal fiscal year, under section 4 of the National School Lunch Act, as amended.

250: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 251.

AN ACT TO AMEND THE CONDITIONS OF AN APPROPRIATION FOR
LEBANON REGIONAL AIRPORT, LEBANON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

251:1 Use of Appropriation. Amend Laws of 1969, 505:1, III(e) by striking out said paragraph and inserting in place thereof the following:

(e) Lebanon Regional Airport, Lebanon: Site acquisition, engineering and development for electronic air navigations aids; parallel runway; runway light cable renewal, and obstruction removal 88,200

251:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 252.AN ACT PERMITTING THE REAPPORTIONMENT OF COOPERATIVE
SCHOOL BOARDS TO PROVIDE FOR EQUAL REPRESENTATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

252:1 Apportionment of Cooperative School Boards. Amend RSA 195 by inserting after section 18 the following new subdivision:

Apportionment of Cooperative School Boards [New]

195:19 Statement of Policy. It is the purpose of this subdivision to provide a means for cooperative school districts now existing or hereafter formed to meet the constitutional mandate of one-man one-vote as annunciated by the United States supreme court. It is the intention of the legislature to provide flexibility to the cooperative school district in meeting the requirements of the one-man one-vote doctrine within the limitations of this chapter.

195:20 Proportional Representation. Any cooperative school district organized under any of the provisions of this chapter or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district, provided that in no event shall the board exceed fifteen members nor terms exceed three years; and may change the apportionment of the board in relation to the pre-existing school districts in accordance with the provisions of RSA 195:21.

195:21 Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the by-laws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such by-laws and articles of agreements shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative

school district in existence on the effective date of this section shall be required to conform hereto unless it is so voted pursuant to RSA 195: 20:

I. All members of the cooperative school board shall be elected "at large"; or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multiboard member districts or a combination of single member or multimember districts so that proportion representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each reside in and represent a pre-existing district with each pre-existing district having at least one such resident representative but all members of the cooperative school board shall be elected "at large"; or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the by-laws or articles of agreement provided that in no case shall such terms exceed three years.

VII. Whenever the by-laws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the nonpartisan ballot system under RSA 59.

195: 22 Method of Proposal. A plan for reapportionment, including the terms of office of members to be elected pursuant thereto, as provided for by RSA 195: 20 and 21:

I. May be submitted to the voters by the school board at any regular meeting of the district, and

II. Shall be submitted to the voters on petition, which shall include the proposed plan, to the school board, signed by no less than ten percent of the qualified voters in a cooperative district at the next regular meeting or at a special meeting of the district if requested in the petition.

195: 23 Tenure of Existing Board Members. If a reapportionment of a board is adopted pursuant to this subdivision the term of each and every board member under the prior apportionment shall terminate at the next meeting for the election of board members at which time a completely new board shall be elected pursuant to the reapportionment of the board.

252: 2 Cooperative School Districts Organized Prior to 1963. Amend RSA 195: 4, II as amended by 1961, 44: 1; 206: 2, 3; and 1963, 258: 2 by striking out said paragraph and inserting in place thereof the following:

II. **ELECTION OF OFFICERS.** Every cooperative school district organized prior to July 1, 1963, may continue to elect the members of its cooperative school board in the same manner and for the same terms as were provided by law immediately prior to the effective date of this act. Every such school district may, in accordance with the provisions of RSA 195: 19 through 23 inclusive, adopt a by-law to specify the number, composition, method of selection, and terms of office of its cooperative school board; provided that its cooperative school board shall consist of an odd number of members, not more than fifteen for terms not exceeding three years.

252:3 Budget Committee. Amend RSA 195:12-a, I (supp) as inserted by 1961, 206:6 and amended by 1963, 258:10 and 1967, 136:1 by striking out in lines eight and nine the words "with at least one member from each pre-existing district" so that said paragraph as amended shall read as follows:

I. **BUDGET COMMITTEE.** A cooperative school district at an annual meeting, under a proper article in the warrant, may vote to establish a budget committee and may rescind such action in a like manner. The budget committee shall have the same number of members as the cooperative district school board plus one additional member from the school board as herein-after provided in this paragraph. The terms of office and manner of election of members shall be determined in the same manner as for the cooperative school board. Whenever it is voted to establish a budget committee, the moderator in the first instance shall appoint the members thereof except for the additional member appointed from the school board within fifteen days of the vote establishing the committee. The members appointed by the moderator shall serve until the next annual meeting when the meeting shall elect their successors. No member of the cooperative school board shall be appointed or elected to the budget committee except that the chairman of the cooperative school board shall appoint a member of the board to serve on the budget committee with all the powers and duties of any other member of the committee. After appointment or election the budget committee shall promptly organize and choose a chairman, vice chairman, and secretary. The secretary shall keep records of the proceedings of the budget committee, which shall be public records open to public inspection. Vacancies on the budget committee shall be filled by appointment of the moderator within five days after the vacancy is called to his attention, or by the chairman of the cooperative school board if the vacancy is called to his attention, or by the chairman of the cooperative school board if the vacancy is of the member appointed from the school board, within the same time limit.

252:4 Annexation of Territory. Amend RSA 195:16, I(b) as amended by 1963, 258:12 by striking out said subparagraph and inserting in place thereof the following:

(b) the number, composition, method of selection and terms of office of its cooperative school board, all in accordance with the provisions of RSA 195:19 through 23 inclusive, provided that its cooperative school board shall consist of an odd number of members not more than fifteen for terms not exceeding three years.

252:5 Meeting After Annexation. Amend RSA 195:16, III-a (supp) as inserted by 1969, 70:1 by striking out in lines seven and eight the words "the election of a school board member or members from the annexed school district" and inserting in place thereof the words (the selection of such school board members as may be necessary as a result of the annexation) so that said paragraph as amended shall read as follows:

III-a. Within sixty days after the board has issued its certificate of the lawful annexation of such pre-existing school district to the cooperative school district, the board shall fix a time and place for a special meeting of the qualified voters within the districts, and shall prepare the warrant for the meeting after consultation with school boards of the pre-existing school district and cooperative school district. The warrant shall include

articles for the selection of such school board members as may be necessary as a result of the annexation and other items of business that require action under the terms of the articles of annexation. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least fourteen days before the meeting in three public places in each district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The meeting shall be called to order by the moderator of the cooperative school district. This meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money. At this meeting and at all future special and annual meetings, qualified voters of the annexed district are eligible for participation in all matters of the cooperative school district.

252: 6 New Cooperative Districts. Amend RSA 195: 18, III(b) as inserted by 1963, 258: 1 by striking out said paragraph and inserting in place thereof the following:

(b) The number, composition, method of selection and terms of office of its cooperative school board, all in accordance with the provisions of RSA 195: 19 through 23 inclusive, provided that the cooperative school board shall consist of an odd number of members not more than fifteen for terms not exceeding three years.

252: 7 Organizational Meeting. Amend RSA 195: 18, VIII as inserted by 1963, 258: 1 by striking out in line five the word "election" and inserting in place thereof the word (selection) so that said paragraph as amended shall read as follows:

VIII. The board shall fix a time and place for a special meeting of the qualified voters within the cooperative school district for the purpose of organization and shall prepare the warrant for the meeting after consultation with the cooperative school district planning board. The warrant shall include articles for the selection of a school board and other necessary officers, the appropriation of money for the operation of the district, and any other items of business that require action at the organization meeting. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least fourteen days before the meeting in three public places in each pre-existing district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The organization meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money.

252: 8 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 253.

AN ACT MAKING IT UNLAWFUL TO OPERATE A MOTOR VEHICLE WHILE IN POSSESSION OF A CONTROLLED DRUG.

Be it Enacted by the Senate and House of Representatives in General Court convened:

253: 1 Possession of Controlled Drugs. Amend RSA 262-A (supp) by inserting after section 62 the following new section:

262-A: 62-a [New] Possession of Drugs. Any person who operates on any way a motor vehicle while knowingly having in his possession or in any part of the vehicle a controlled drug in violation of the provisions of RSA 318-B shall be fined not more than five hundred dollars and his license shall be revoked or his right to operate denied for a period of sixty days and at the discretion of the court for a period not to exceed two years.

253: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 254.

AN ACT TO EXPAND THE AUTHORITY OF WATER SUPPLY AND POLLUTION CONTROL COMMISSION RELATIVE TO SAFETY REGULATIONS FOR RECREATIONAL CAMPS AND PUBLIC SWIMMING POOLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

254: 1 Water Supply and Pollution Control Commission. Amend RSA 149 by inserting after section 19 the following new subdivision:

Safety Regulations [New]

149: 20 Recreation Camps. As used in this subdivision the word "camp" means any place set apart for recreational purposes for boys and girls. It shall not be construed as applying to private camps owned or leased for individual or family use, or to any camp operated for a period of less than thirty days in a year.

149: 21 License. No person shall, for profit or for charitable purposes operate any camp designed or intended as a vacation or recreation resort, without a license issued by the commission. Said license is to

be conditioned upon the maintenance of clean, healthful sanitary conditions and methods, as determined and approved by said commission, good only for the calendar year in which it is issued and subject to suspension or revocation at any time for cause.

149:22 —Fee for. The fee for such license shall be twenty dollars, to be paid into the state treasury.

149:23 —Regulations. In addition to conditions established by the commission under RSA 149:21 the commission shall have authority to promulgate regulations relative to safety standards to protect persons using said camp facilities.

149:24 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications thereof shall have received prior approval by the commission. The commission may make rules and regulations and establish standards, for carrying out the provisions of this section. Such rules and regulations may include regulations relative to safety standards to protect persons using said facilities. Nothing herein shall be deemed to affect the powers of local health officers or the department of health, division of health services, with respect to nuisances.

149:25 Injunction. Any person operating or maintaining such a swimming pool or bathing place without the same having been approved by the commission may be enjoined in term time or vacation, by the superior court or any justice thereof upon petition brought by the attorney general.

149:26 Penalty. Whoever violates any of the provisions of this subdivision, or rules and regulations made hereunder shall be fined not more than one hundred dollars.

254:2 Repeal. RSA 125:33 to 36, inclusive, relative to recreation camps, is hereby repealed.

254:3 Repeal. RSA 147:31, 32, as inserted by 1959, 282:1, relative to swimming pools and bathing places, is hereby repealed.

254:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 255.

AN ACT PROVIDING PROCEDURAL AMENDMENTS TO THE SEARCH WARRANT STATUTE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

255:1 Requirements. Amend RSA 595-A:2 (supp) as inserted by 1969, 317:1 by striking out in line ten the words "a court having jurisdiction." and inserting in place thereof the words (any district or municipal court named therein.) so that said section as amended shall read as follows:

595-A:2 Requisites of Warrant. Search warrants shall designate or describe the person, building, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for. They shall be substantially in the form prescribed in section 3 of this chapter and shall be directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the daytime, or if the warrant so directs, in the nighttime, the person, building, vessel, or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before any district or municipal court named therein.

255:2 Form. Amend RSA 595-A:3 (supp) as inserted by 1969, 317:1 by striking out in lines twenty-three and twenty-four the words "(court having jurisdiction) at" so that said section as amended shall read as follows:

595-A:3 Form of Warrant. The warrant shall be in substantially the following form:

The State of New Hampshire

(County), ss.

(Name) Court.

To the Sheriffs of our several counties, or their deputies, any State Police Officer, or any Constable or Police Officer of any city or town, within our said State.

Proof by affidavit (supplemented by oral statements under oath) having been made this day before (name of person authorized to issue warrant) by (names of person or persons whose affidavits have been taken) that there is probable cause for believing that (certain property has been stolen, embezzled, or fraudulently obtained; certain property is intended for use or has been used as the means of committing a crime; contraband; evidence of the crime to which the probable cause upon which the search warrant is issued relates.)

We therefore command you in the daytime (or at any time of the day or night) to make an immediate search of (identify premises) (occupied by A.B.) and (of the person of A.B.) and of any person present who may be found to have such property in his possession or under his control or to whom such property may have been delivered, for the following property:

(description of property)

and if you find any such property or any part thereof to bring it and the persons in whose possession it is found before (name of court and location).

Dated at (city or town) this day of, 19—.

255:3 Inventory. Amend RSA 595-A:5 (supp) as inserted by 1969, 317:1 by striking out in line seventeen the words "of record having jurisdiction." and inserting in place thereof the words (to which the warrant is returnable.) so that said section as amended shall read as follows:

595-A:5 Receipt, Inventory, and Return. The officer taking property under the warrant shall give to the person from whom, or from whose premises, the property was taken a copy of the warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from which the property was taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The

inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one creditable person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The justice of a court of record shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant. The justice of a court of record shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with the clerk of the court to which the warrant is returnable. The return shall be in substantially the following form:

Return

I received the attached search warrant on, 19—, and have executed it as follows:

On, 19—, at o'clockM, I searched (the person) (the premises) described in the warrant and I left a copy of the warrant with (name of person searched or owner) at (the place of search) together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

.....
.....
.....
.....

This inventory was made in the presence of
and

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant

.....
Subscribed and sworn to and returned before me this day
of, 19—.

.....
Justice of the Peace

255: 4 Return of Warrant. Amend RSA 595-A: 7 (supp) as inserted by 1969, 317: 1 by striking out said section and inserting in place thereof the following:

595-A: 7 Time for Return of Warrant. Every officer to whom a warrant to search is issued shall return the same to the court to which it was made returnable as soon as it has been served and in any event not later than seven days from the date of issuance thereof, with a return of his doings thereon.

255: 5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]
[Effective date August 22, 1971.]

CHAPTER 256.

AN ACT AUTHORIZING THE REGISTER OF PROBATE TO GIVE "NOTICE" TO BENEFICIARIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

256:1 Registrar To Give Notice To Beneficiaries. Amend RSA 550:11 by striking out said section and inserting in place thereof the following:

550:11 Notice to Beneficiaries. Whenever any executor, administrator, trustee, conservator or guardian shall file an account in probate court, he, or the register, shall upon determination of the return date, give notice thereof as hereinafter provided to all persons beneficially interested therein. Such notice shall be sent by registered mail, return receipt requested, to the last known address of all such persons, and shall contain (1) a statement that the account has been filed, and, if the account is to be settled, the date when such account becomes returnable, and (2) the fact that the person may obtain a copy of the account from the register of probate upon payment of the statutory fee.

256:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 257.

AN ACT REQUIRING NOTICE OF JUNKING OF MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

257:1 Return of Certificate. Amend RSA 269-A:20 (supp) as inserted by 1967, 357:1 by striking out said section and inserting in place thereof the following:

269-A:20 Dismantling or Destruction of Vehicle. Any owner who sells or in any manner disposes of a vehicle as salvage or who scraps, dismantles or destroys a vehicle, shall immediately cause the certificate of title and the original manufacturer's vehicle identification number plate and any other information or supporting documents the director reasonably requires to be mailed or delivered to the director for cancellation. A certificate of title of the vehicle shall not again be issued without first obtaining the approval of the director.

257:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 258.

AN ACT TO REDUCE THE TERMS OF OFFICE OF MEMBERS AND THE
MEMBERSHIP OF THE NASHUA BOARD OF EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

258:1 Membership Provisions Altered. Amend Laws of 1913, 427: part 1, section 75 by striking out said section and inserting in place thereof the following:

SECT. 75. The board of education shall continue to be composed of twelve members, four of whom shall be elected at large at each general municipal election to hold office from the following January first; provided, however, that effective with the terms of those members which commence January 1, 1972, the term of office of members shall be four years and, provided further, that effective with the election in November, 1975, five candidates shall be elected to the board and the membership of the board shall be reduced to nine effective January 1, 1976. Subsequently, four or five candidates shall be elected to the board at each general municipal election in order to maintain a board of nine members.

258:2 Referendum. At the municipal election to be held in the city of Nashua in November, 1971, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1971 amending the Nashua city charter to reduce the term of office of members of the board of education to four years and reduce the membership of the board to nine be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Nashua shall, within ten days after said election, certify to the secretary of state the result of the vote on this question.

258:3 Effective Date. Section 2 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect as provided therein.

[Approved June 23, 1971.]

[Effective date. Section 2 shall take effect June 23, 1971. Remainder of act effective as provided in section 3.]

CHAPTER 259.AN ACT PROVIDING FOR AN ANNUAL SALARY FOR MEMBERS OF THE
NASHUA BOARD OF EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

259:1 Salaries Provided. Amend Laws of 1913, 427: part 1, section 76 by striking out said section and inserting in place thereof the following:

SECT. 76. The board of education shall choose a president and clerk from its own members. Each member of the board shall be compensated five hundred dollars annually. No person shall hold any other city office during his tenure as a member of the board of education.

259:2 Referendum. At the municipal election to be held in the city of Nashua in November, 1971, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1971 amending the Nashua city charter to provide for compensation of the members of the Nashua board of education at the rate of five hundred dollars per year be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Nashua shall, within ten days after said election, certify to the secretary of state the result of the vote on this question.

259:3 Effective Date. Section 2 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect January 1, 1972.

[Approved June 23, 1971.]

[Effective date. Section 2 effective June 23, 1971. Remainder of act if adopted effective January 1, 1972.]

CHAPTER 260.

AN ACT TO PROHIBIT THE DISPLAY OF FLAGS, BANNERS AND OTHER
INSIGNIA ON PUBLIC BUILDINGS IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

260:1 Raising of Flags, Banners, and Insignia Prohibited. Amend RSA 573 by inserting after section 4-a the following new section:

573:4-b [New] Unauthorized Flags, Banners, Prohibited. No person shall raise or display any flag, standard, color or ensign on the building or grounds of any state, county or municipal property unless such person is authorized to do so by the appropriate state, county, or municipal official charged with such responsibility.

260:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 261.

AN ACT PROVIDING THAT COOPERATIVE SCHOOL DISTRICTS MAY ELECT DISTRICT OFFICERS AT THE TIME AND PLACES FOR THE ELECTION OF TOWN OFFICERS IN THE TOWNS WHICH COMPRISE THE DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

261:1 Cooperative School Districts. Amend RSA 197:1-a as inserted by 1961, 134:2 by striking out said section and inserting in place thereof the following:

197:1-a Election at Town Meeting. Any school district, which is co-extensive with the town in which it is located, including any cooperative school district composed of pre-existing districts which were each coextensive with the towns in which they are located, may at any annual school meeting or at any special meeting under an article in the warrant for such meeting, vote to elect its district officers by separate ballot at the annual town meeting in such town, and may rescind such action in like manner. Such action shall not take effect until the calendar year next following the year in which such action is taken. The newly elected officers shall take office as of the town meeting at which they are elected or at the close of the first annual school district meeting held after the election whichever occurs first; Provided, however, that the treasurer shall take office at the close of the fiscal year of the school district. The oath of office shall be administered to said officers by the school district moderator, assistant moderator or town clerk in accordance with RSA 42:1.

261:2 Ballot Counting. Amend RSA 197:1-d as inserted by 1961, 134:2 by inserting at the end thereof the words (Provided, however, that in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within twenty-four hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office in the town. Said list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of said list, the cooperative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates) so that said section as amended shall read as follows:

197:1-d Election Officials; Counting Ballots. The town election officials shall act in like capacity for the school district in conducting such school district elections. After the close of the polls the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count said ballots publicly with the assistance of such legal voters of the district as he shall appoint. Provided, however, that in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within twenty-four hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office in the town. Said list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of said list, the cooper-

ative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates.

261:3 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1971.]

[Effective date June 23, 1971.]

CHAPTER 262.

AN ACT CHANGING THE DATE FOR THE REGULAR MEETINGS OF THE BOARD OF THE UNION SCHOOL DISTRICT IN CONCORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

262:1 Date Changed. Amend Laws of 1961, 355:9 as amended by 1967, 560:3 by striking out said section and inserting in place thereof the following:

355:9 All Meetings Public. All meetings of the board of education shall be public. Regular meetings shall be held on the first Monday of each month, provided that if any such Monday is a legal holiday said meeting shall be held on the first Tuesday of that month. Special meetings shall be held on call of the president or on written request of at least five members of the board. The board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Nothing herein shall prevent the board from holding executive sessions, from which all except its own members may be excluded, for the discussion on matters which, in the opinion of a majority of the board would not be in the public interest or would tend to injure any individual in his professional or personal affairs. All business of the board, however, shall be transacted in public session.

262:2 Referendum. This act shall not take effect unless it is adopted by a majority vote of those present and voting at the regular school board election in November 1971, as hereinafter provided. The clerk of the Concord union school district shall cause to be printed at the bottom of the ballot prepared for the election of members of the board of education the following question "Shall the provisions of an act entitled 'An Act changing the date for the regular meetings of the board of the union school district in Concord' passed at the 1971 session of the legislature, be adopted?" Beneath this question the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The school district clerk shall within ten days of said election certify to the secretary of state the result of the vote on the above question.

262:3 Effective Date. Section 2 of this act shall take effect sixty days after its passage and section 1 shall take effect as provided in section 2.

[Approved June 23, 1971.]

[Effective date. Section 2 shall take effect August 22, 1971 and section 1 shall take effect as provided in section 2.]

CHAPTER 263.

AN ACT TO PROVIDE FOR THE SEPARATE SETTLEMENT OF PROPERTY
DAMAGE AND PERSONAL INJURY CLAIMS ARISING OUT OF THE
SAME MOTOR VEHICLE ACCIDENT.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

263:1 Claims to be Settled Separately. Amend RSA 268:16 as amended by 1955, 94:4 and 1957, 305:9 by inserting at the end thereof the following new paragraph:

VII. No liability insurer shall require that a bodily injury claim be settled or adjudicated as a condition precedent to the settlement of a property damage claim arising out of the same motor vehicle accident. No evidence of settlement of a property damage claim shall be admissible as evidence of liability in the trial of any other cause of action arising out of the same accident.

263:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 264.

AN ACT RELATIVE TO SUPERVISORY UNION NUMBER SEVEN.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

264:1 Contract Authorized. Notwithstanding any other provision of law to the contrary, supervisory union number seven consisting of the school districts of Colebrook, Clarksville, Columbia, Pittsburg and Stewartstown is hereby authorized to contract with Canaan-Vermont supervisory union whereby supervisory union number seven will supply certain school supervisory services for the Canaan-Vermont supervisory union subject to the approval of the state board of education.

264:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 265.

JOINT RESOLUTION REQUESTING THE JUDICIAL COUNCIL TO STUDY AND
MAKE RECOMMENDATIONS RELATIVE TO THE UNIFORM
PARTNERSHIP ACT.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THE judicial council is hereby requested to take under advisement, study and make recommendations relative to the uniform partnership act. The

council is requested to make a report of its findings, recommendations and any proposed legislation to the next regular session of the general court.
[Approved June 23, 1971.]

CHAPTER 266.

AN ACT TO PROVIDE PROCEDURES FOR THE PREVENTION AND CLEANUP
OF OIL SPILLAGE IN PUBLIC WATERS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

266:1 New Chapter. Amend RSA by inserting after chapter 146 the following new chapter:

CHAPTER 146-A [NEW]

OIL SPILLAGE IN PUBLIC WATERS

146-A:1 Declaration of Purpose. The purpose of this chapter is to cope with the problem of pollution from the spillage of oil, recognizing the damage resulting to vegetation, marine, animal and bird life from oil spillage. It is the intent of this chapter to provide procedures that will expedite the cleanup of oil spillage and to encourage private organizations to assist in that effort.

146-A:2 Definitions. For the purpose of this chapter the following words shall have the following meanings, unless the context otherwise requires:

I. "Oil" as used in this chapter means oil of any kind, including but not limited to petroleum, fuel oil, gasoline, oily sludge, oil refuse, oil mixed with other wastes, crude oils, and all other liquid hydrocarbons regardless of specific gravity.

II. "Oil terminal facility" means any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, which is used or capable of being used for the purpose of transferring, processing or transporting oil, petroleum products and their by-products, or for the purpose of storing the same.

III. "Operate or operator" shall mean any person owning or operating an oil terminal facility whether by lease, contract or any other form of agreement.

IV. "Person" shall mean individual, partnership, joint venture, corporation or any group of the foregoing organized or united for a business purpose.

V. "Vessel" includes every description of watercraft or other contrivance used, or capable of being used as a means of transportation on water or land whether self-propelled or otherwise and shall include barges, tugs, and tanker trucks.

146-A:3 Discharge of Oil. The discharge or spillage of oil into the public surface and ground waters of this state, or in a land area where the oil will ultimately seep into public water is prohibited.

146-A:4 Water Supply and Pollution Control Commission. Whenever an oil discharge or spillage occurs which will, or has polluted the public waters of this state, the water supply and pollution control commission

shall be notified forthwith and shall assume primary jurisdiction of the cleanup operation. In the interim period before the commission has had an opportunity to assume jurisdiction, the person or persons causing the discharge or spillage shall undertake immediate measures, in accordance with the regulations and policies which the commission is hereby authorized to promulgate, so as to minimize the extent of pollution and damage which said discharge or spillage would otherwise cause. Any person discharging oil, petroleum products or their by-products in the manner prohibited by RSA 146-A:3 shall immediately undertake to remove such discharge to the commission's satisfaction. Notwithstanding the above requirement the commission may undertake the removal of such discharge and may retain agents and contractors for such purposes who shall operate under the direction of the commission. Any unexplained discharge of oil, petroleum products or their by-products shall be removed by or under the direction of the commission.

146-A:5 Duty to Report. The person in charge of any oil facility or carrier that discharges oil in violation of this chapter shall immediately notify the commission or its designee. Any person who fails to give such notice shall be fined not more than one thousand dollars or imprisoned not more than one year, or both. Each day of a continuing violation shall constitute a separate offense.

146-A:6 State and Local Officials. All law enforcement officers and fire officials on the advice of the water supply and pollution control commission or the commission's authorized agent, may assist in any oil spillage cleanup operation and may receive its support and guidance when engaged in such assistance.

146-A:7 Private Participation. Any oil spill cleanup organization, or other person participating in the containment and removal of oil spillage upon the request of the commission, or its designee, shall not be liable for civil damages to third parties, unless it is determined their acts or omissions amounted to gross or wilful misconduct.

146-A:8 Attorney General. The water supply and pollution control commission shall within twenty days following the cleanup operation, submit to the attorney general a report of its investigation in such detail as the attorney general may require.

146-A:9 Recovery by State. The attorney general shall institute such legal action as he deems necessary to recover from the party responsible for all costs to the state in cleaning up the spillage.

146-A:10 Tort Liability to Third Persons. Any person who negligently or intentionally discharges or spills oil into or on the waters of any lake, pond, river, stream, or into tidal waters which causes damage to the property of another, shall be liable in tort to the person whose property is so damaged in double the amount of the damages sustained by him.

146-A:11 Procedures for Carrying out the Provisions of this Chapter. The water supply and pollution control commission shall from time to time adopt, amend, repeal and enforce reasonable rules and regulations necessary to carry out the intent of this chapter.

I. PROCEDURE FOR ADOPTING RULES AND REGULATIONS. The commission shall post notice of proposed rules and regulations by publishing an

attested copy of such notice in the state paper, and such other daily papers published in the state as it believes will bring the proposals to the attention of all interested parties, at least seven days prior to holding a public hearing:

(a) Such notice shall in addition contain the time, date and place of the public hearing.

(b) The commission may establish reasonable rules and regulations governing the conduct of public hearings under this chapter including adjournments and continuations thereof.

(c) Rules and regulations adopted by the commission shall become effective fifteen days after final adjournment of the public hearing.

(d) Rules and regulations of the commission shall be seasonably printed and made available to interested parties.

II. EMERGENCY RULES AND REGULATIONS WITHOUT HEARING. Upon finding by the commission that an emergency exists requiring immediate rules, regulations or orders to effectively deal with such emergency, the commission may without hearing adopt such rules and regulations and issue such orders which shall have the force and effect of law, but any rules, regulations or orders issued under authority of this chapter shall be null and void thirty days thereafter unless sooner adopted in accordance with paragraph I.

III. ENFORCEMENT OF RULES AND REGULATIONS. Rules, regulations and orders issued by the commission under this chapter shall have the force and effect of law.

IV. EXTENT OF REGULATORY POWERS. The commission shall have the power to adopt rules and regulations including but not limited to the following matters:

(a) Operating and inspection requirements for facilities, vessels, carriers including highway, railway, personnel and other matters relating to licensee operations under this chapter.

(b) Procedures and methods of reporting discharges and other occurrences prohibited by this chapter.

(c) Procedures, methods, means and equipment to be used by persons subject to regulations by this chapter.

(d) Procedures, methods, means and equipment to be used in the removal of oil and petroleum pollutants.

(e) Development and implementation of criteria and plans to meet oil and petroleum pollution occurrences of various degrees and kinds.

(f) The establishment from time to time of control regions and the establishment of rules and regulations to meet the particular requirements of each such region.

(g) Requirements for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment and other equipment relating to the use and operation of terminals, facilities and refineries and the approach and departure from terminals, facilities and refineries.

(h) Such other rules and regulations as the exigencies of any condition may require or such as may reasonably be necessary to carry out the intent of this chapter.

V. PERSONNEL AND EQUIPMENT. The commission shall establish and maintain at such ports within the state, and other places as it shall determine, such employees and equipment as in its judgment may be necessary to carry out the provisions of this chapter. The commission may employ, subject to the state personnel regulations and prescribe the duties of such employees. The salaries of such employees and the cost of such

equipment shall be paid by the water supply and pollution control commission budget. The water supply and pollution control commission shall periodically review procedures for the prevention of oil discharges into the coastal waters of the state from offshore drilling production facilities. Inspection and enforcement employees of the commission in their line of duty under this chapter shall have the powers of a constable.

146-A:12 Emergency Proclamation; Governor's Powers. Whenever any disaster or catastrophe exists or appears imminent arising from the discharge of oil, petroleum products or their by-products, the governor shall by proclamation declare the fact and that an emergency exists in any or all sections of the state. If the governor is temporarily absent from the state or is otherwise unavailable, the next person in the state who would act as governor if the office of governor were vacant shall, by proclamation, declare the fact and that an emergency exists in any or all sections of the state. A copy of such proclamation shall be filed with the secretary of state. The governor shall have general direction and control of the water supply and pollution control commission and shall be responsible for carrying out the purposes of this chapter.

I. In performing his duties under this chapter, the governor is authorized and directed to cooperate with all departments and agencies of the federal government, with the offices and agencies of other states and foreign countries, and the political subdivisions thereof, and with private agencies in all matters pertaining to a disaster or catastrophe.

II. In performing his duties under this chapter, the governor is further authorized and empowered:

(a) To make, amend and rescind the necessary orders, rules and regulations to carry out this chapter within the limits of the authority conferred upon him and not inconsistent with the rules, regulations and directives of the president of the United States or of any federal department or agency having specifically authorized emergency functions.

(b) To delegate any authority vested in him under this chapter and to provide for the subdelegation of any such authority.

III. Whenever the governor is satisfied that an emergency no longer exists, he shall terminate the proclamation by another proclamation affecting the sections of the state covered by the original proclamation, or any part thereof. Said proclamation shall be published in such newspapers of the state and posted in such places as the governor, or the person acting in that capacity, deems appropriate.

IV. The provisions of RSA 107 as they shall apply to eminent domain and compensation, mutual aid, immunity, aid in emergency, right-of-way, enforcement and compensation shall apply to disasters or catastrophes proclaimed by the governor under this chapter.

146-A:13 Bonding. The water supply and pollution control commission shall set a schedule of bonding to be required from oil, gas and petroleum product suppliers, dealers and others that are under the jurisdiction of this chapter to provide for emergency cleanup and provide for the protection of the environment from accidental intrusions and from purposeful evasion of regulations promulgated by this chapter.

146-A:14 Penalty. Any person who wilfully discharges oil into or on the surface waters of this state as defined in RSA 149, to such an extent as to constitute a pollution or contamination of said waters, shall be fined not more than one thousand dollars, or imprisoned not more than one

year or both. Each day of a continuing violation shall constitute a separate offense.

266: 2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 23, 1971.]

[Effective date July 1, 1971.]

CHAPTER 267.

AN ACT RELATIVE TO THE TIME AFTER WHICH THE REQUIREMENTS OF FILING PROOF OF FINANCIAL RESPONSIBILITY MAY BE WAIVED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

267: 1 Waiver of Proof of Financial Responsibility after Three Years. Amend RSA 268: 9, I, as inserted by 1955, 76: 4 and amended by 1957, 305: 7 by striking out in line three the word "seven" and inserting in place thereof the word (three) so that said paragraph as amended shall read as follows:

I. **WAIVING REQUIREMENTS.** The director may waive the requirements of filing proof of financial responsibility and certificates at any time after three years duration from the date of accident involvement or conviction requiring such proof, provided the director has not received further record of conviction, accident involvement, forfeiture of bail, unsatisfied judgment or other evidence which would require the continuance of such furnishing of proof of financial responsibility and certificates.

267: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 268.

AN ACT AUTHORIZING THE STATE OF NEW HAMPSHIRE TO ACQUIRE AND DISPOSE OF INDUSTRIAL FACILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

268: 1 Industrial Development. Amend RSA by inserting after chapter 162-D the following new chapter:

CHAPTER 162-E [NEW]

STATE OWNERSHIP OF INDUSTRIAL FACILITIES

162-E: 1 Declaration of Need and Purpose. It is hereby declared that there is a need for the development of industrial facilities within the state in order to alleviate and prevent unemployment and underemployment, to insure the continued growth and prosperity of the state and its political subdivisions and to promote the general welfare of all its citizens. It is the

purpose of this chapter to authorize the state, acting through the industrial development authority, to foster and encourage the development of industrial facilities within the state by acquiring, leasing and disposing of such facilities, without the use of public funds, where such development is more appropriate under this chapter than under RSA 162-A or RSA 162-D. It is further declared that the actions authorized by this chapter serve a public purpose and that in carrying out the provisions of this chapter the industrial development authority shall be regarded as performing an essential governmental function.

162-E: 2 Definitions. As used in this chapter the following words and terms shall have the following meanings unless the context otherwise requires:

I. "Authority" shall mean the industrial development authority created under RSA 162-A.

II. "Board" shall mean the board of directors of the authority.

III. "Bond" shall mean an evidence of indebtedness issued by the authority under this chapter to finance a project in whole or in part or to refund indebtedness incurred for that purpose.

IV. "Industrial facility" shall mean any land, any building or other improvement, and all real and personal properties, including but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use for manufacturing, warehousing, processing wastes, or other industrial purposes, but shall not include raw materials, work in process or stock in trade. Facilities incidental to the foregoing such as utility lines, storage accommodations and transportation facilities shall be deemed to be part of an industrial facility.

V. "Lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent.

VI. "Project" shall mean the establishment or expansion of an industrial facility which is financed by the issue of bonds.

VII. "Project costs" shall mean the costs of establishing or expanding an industrial facility and of placing the same in operation. Such costs may include the costs of:

(a) Acquiring land, buildings, structures and facilities, whether by purchase or construction;

(b) Acquiring rights in or over land, air or water;

(c) Improving land and improving buildings, structures and facilities by remodeling, reconstruction or enlargement;

(d) Acquiring and installing machinery and equipment;

(e) Obtaining professional or advisory services;

(f) Interest prior to and during construction and until one year after the completion of a project; and

(g) Creating reserves.

Such costs may also include any other costs or expenses which are reasonably incidental to a project.

VIII. "Rent" shall mean the payments which a tenant is obligated to make under a lease.

IX. "Tenant" shall mean the person primarily liable for the payment of rent under a lease.

X. "Trust indenture" shall mean a written instrument between the authority and any national bank or trust company doing business in the state of New Hampshire or in the Commonwealth of Massachusetts, as trustee, which secures one or more series of bonds.

162-E: 3 Powers of the Authority. The authority shall have the following powers in addition to any other powers conferred upon it:

I. To engage in projects and to acquire, own and dispose of industrial facilities within the state.

II. To issue bonds to pay project costs, or to reimburse a tenant for payments for project costs made before or after the bonds are issued, or to refund bonds previously issued.

III. To lease industrial facilities as owner and lessor.

IV. To mortgage, pledge or assign as security for bonds, through use of a trust indenture or otherwise, any interest which the authority may have in an industrial facility as owner and lessor.

V. In the event of a default by a tenant, to lease or sell the industrial facility to another person in whole or in part.

VI. To make contracts or take any other action which is necessary or desirable in connection with the exercise of the foregoing powers. Nothing in this chapter shall be construed to authorize the authority to operate an industrial facility itself or to conduct any business enterprise therein.

162-E: 4 Leases.

I. Every lease shall:

(a) Provide for the payment of rent by the tenant at such times and in such amounts as are necessary in order to pay the principal and interest of all bonds issued to finance the project as they become due; and

(b) Obligate the tenant to pay all the costs and expenses of operation, maintenance and upkeep of the the industrial facility.

II. Any lease may:

(a) Provide for payments of rent which include amounts in addition to the amounts required to pay bonds;

(b) Obligate a tenant to pay rent before the industrial facility exists or becomes functional and to pay rent after the industrial facility has ceased to exist or be functional to any extent and from any cause whatsoever;

(c) Obligate a tenant to pay rent regardless of whether the tenant is in possession or is entitled to be in possession of the industrial facility;

(d) Allocate responsibility between the authority and the tenant for making purchases and contracts required for the project;

(e) Contain a tenant's option to purchase the industrial facility from the authority for nominal consideration upon payment of the bonds or upon the tenant's making adequate and secure provision for their payment and provide for the automatic conveyance of the facility upon the effective exercise of such option;

(f) Provide that some or all of the tenant's obligations thereunder shall be unconditional and shall be binding and enforceable in all circumstances whatsoever notwithstanding any other provision of law; and

(g) Contain such other provisions and covenants relating to the use, maintenance and replacement of the industrial facility which the authority and the tenant deem necessary for the protection of themselves or others.

III. No lease may be for a term of more than forty years.

162-E: 5 Trust Indentures.

I. A trust indenture may contain a mortgage, pledge or assignment of all or part of any interest or right which the authority may have as the owner or lessor of an industrial facility. Any pledge or assignment of a right to receive money which is contained in a trust indenture shall be fully effective from the time when the trust indenture is executed with or without any subsequent physical delivery or segregation of such money and without any filing or recording under the uniform commercial code or otherwise.

II. A trust indenture may also contain covenants of the authority as to:

- (a) The creation and maintenance of reserves;
- (b) The issuance of other bonds with respect to the industrial facility;
- (c) The maintenance, repair and replacement of the industrial facility;
- (d) The insurance of the industrial facility against risk of loss;
- (e) The custody, investment and application of moneys;
- (f) The use of surplus bond proceeds;
- (g) Action by the authority in the event of a default by the tenant under the lease;
- (h) The subjecting of additional property to the lien of the indenture; and
- (i) Any other matter which affects the security for the bonds in any way.

III. A trust indenture may limit the rights of bond holders to enforce obligations of the authority under the trust indenture or obligations of the authority or the tenant under the lease.

162-E: 6 Bonds.

I. Bonds authorized under this chapter may be issued:

- (a) In one or more series of one or more denominations and bearing one or more rates of interest;
- (b) In bearer form or registered form with or without privileges of conversion and reconversion from one form to the other;
- (c) Payable in serial installments or as term bonds, and any series may consist of both types of bond, provided that all of the bonds of every series shall mature no later than forty years after their dates; and
- (d) Subject to redemption prior to maturity, with or without the payment of any redemption premium, in accordance with the provisions of the trust indenture.

II. Bonds shall bear the manual signature of the chairman of the board and the manual or facsimile signature of at least one other member of the board; and interest coupons, if any, shall bear the facsimile signature of the chairman. Bonds shall also bear the seal of the authority or a facsimile of the seal. Bonds executed as herein provided shall be valid notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to hold office.

III. Every bond shall bear a statement on its face that it does not constitute an indebtedness of the state or the authority except to the extent permitted by this chapter. Bonds may be sold at public or private sale. The price at which bonds are sold may be par or may be more or less than par, but the original purchaser thereof shall be obligated to pay accrued interest for the period, if any, from the date of the bonds to the date of delivery.

All bonds issued under this chapter and interest coupons applicable thereto, if any, shall be deemed to be negotiable instruments and to be investment securities under the uniform commercial code.

IV. No purchaser of bonds shall be in any way bound to see to the proper application of the proceeds thereof.

162-E: 7 Approval of Governor and Council. The authority shall not acquire any industrial facility, or execute any lease or trust indenture or issue any bonds with respect thereto, unless the governor and council have found after a hearing that the proposed acquisition, leasing, operation and use of such industrial facility will serve a public use and provide a public benefit and that such acquisition and leasing will be within the policy of, and the authority conferred by, this chapter. Such determination may be made by the governor and council upon the written recommendation of the authority supported by such documentation and information as the governor and council may request, if the governor and council find that:

(a) The project and the proposed financing thereof are feasible; and

(b) The establishment and operation of the industrial facility will eliminate or prevent unemployment or underemployment, either in whole or in part, in the area in which such industrial facility is located; and

(c) Such industrial facility will consist of an industrial building, or buildings, which are suitable for industrial, manufacturing, waste processing, or warehousing purposes; and

(d) The proposed tenant has the skills and financial resources necessary to operate the industrial facility successfully; and

(e) Adequate provision has been, or will be, made for the payment of the cost of the construction of such industrial facility and that under no circumstances will the state be obligated directly or indirectly, for the payment of the cost of construction of such industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture; and

(f) Adequate provision has been, or will be made in the lease for the payment of all costs of operation, maintenance, and upkeep of such industrial facility by the tenant or occupant so that under no circumstances will the state be obligated, directly or indirectly, for the payment of such costs from funds other than those received under the provisions of the lease or the trust indenture; and

(g) The proposed acquisition, leasing, operation and use of such industrial facility will aid in the development, growth and prosperity of the state, or of the county, or the municipality in which such industrial facility is located.

162-E: 8 Obligations of the State. No lease, trust indenture, bond or other instrument shall in any way obligate the state to raise any money by taxation or use other public funds for any purpose in relation to an industrial facility. Neither the state nor the authority shall pay or promise to pay any debt or meet any financial obligation to any person at any time in relation to an industrial facility financed in whole or in part by the issue of bonds, except from moneys received or to be received under the provisions of a lease or trust indenture entered into under this chapter or derived from the exercise of the authority's rights under such instruments. Notwithstanding the foregoing provisions of this section, the authority may accept and expend with respect to an industrial facility any gifts or grants

received from any source in accordance with the terms of such gifts or grants. Bonds issued under this chapter shall not be deemed obligations of the authority for the purposes of RSA 162-A: 12.

162-E: 9 Action by the Authority. All actions by the authority under this chapter may be authorized by resolutions of the board passed on the affirmative votes of five members.

162-E: 10 Trust Funds. All moneys received or held pursuant to a lease or a trust indenture shall be deemed to be trust funds to be held and applied solely in accordance with the lease or the trust indenture.

162-E: 11 Bonds Exempt from Taxation. All bonds and the interest thereon shall be exempt from taxation in the state of New Hampshire.

162-E: 12 Tax Exemption and Payment for Services in Lieu of Taxes. Any industrial facility while owned by the authority is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes and special assessments the state or any political subdivision thereof shall require any tenant or occupant of any such industrial facility to make payments annually to the municipality in which the industrial facility is located, for its just share of the public expense, including but not limited to education, highway maintenance, fire and police protection and other similar public expenses and governmental services, and provided further that the state tax commission shall determine, after a hearing thereon, that such payments constitute a just share of the public expense.

162-E: 13 Construction and Effect of Other Laws.

I. The powers conferred by this chapter are supplemental and alternative to other powers conferred by law, and this chapter is intended as an independent and comprehensive conferral of powers to accomplish the purposes set forth in RSA 162-E: 1.

II. No notice, proceedings or approval shall be required with respect to any action taken under this chapter except as provided in this chapter.

III. Purchases and contracts required for the establishment or expansion of an industrial facility may be made or let without regard to any provision of law relating to public purchases or contracts.

IV. The provisions of this chapter shall be liberally construed in order to effect its purposes.

V. If any provision of this chapter shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

VI. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

268: 2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1971.]

[Effective date June 23, 1971.]

CHAPTER 269.

AN ACT TO INCREASE THE PENALTIES FOR DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

269:1 Penalties. Amend RSA 262-A: 62 (supp) as amended by 1955, 282: 1; 1959, 94: 1, 1963, 330: 1, and 1969, 119: 1 by striking out the same and inserting in place thereof the following:

262-A: 62 Intoxication or Under Influence of Drugs. Any person who shall be convicted of operating, or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor, or any controlled drug, may be imprisoned for not less than two days, nor more than six months, which may be intermittent or weekend days and shall be fined not less than one hundred dollars nor more than five hundred dollars; his license shall be revoked for a period of sixty days and at the discretion of the court for a period not to exceed two years. Upon a second conviction he shall be imprisoned for not less than ten days nor more than six months, which may be intermittent or weekend days, and fined not less than five hundred nor more than one thousand dollars; his license shall be revoked and he shall be ineligible for a license for the next three calendar years, provided, however, that any prior conviction upon which a second offense complaint is founded, must have occurred within seven years preceding the date of said second offense.

269:2 Legislative Study Committee. There is hereby established a legislative committee of seven members to study the laws of the state pertaining to motor vehicles and their operation. Said committee shall be composed of three senators, one appointed by the president of the senate, one by the chairman of the senate judiciary committee, and one by the chairman of the senate transportation committee, and four representatives appointed by the speaker of the house. They shall make a careful study of the present laws relating to motor vehicles and their operation, and of the need or advisability of the revision of such laws or the enactment of further laws relating to said subject. The committee shall have full power and authority to require from the several departments, agencies and officials of the state and of the political subdivisions of the state, such information and assistance as it may deem necessary for the purposes hereof. Members shall serve without compensation for their services on the committee. The committee shall report its findings and recommendations, together with drafts of any proposed legislation necessary to carry out such recommendations, at the next regular session of the legislature, not later than January 15, 1973.

269:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 270.

AN ACT TO REQUIRE PUBLIC HEARINGS PRIOR TO THE VOTE ON BOND OR NOTE ISSUES OF CERTAIN MUNICIPALITIES AND PROVIDING PROCEDURES FOR BONDS IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

270: 1 Hearings Required. Amend RSA 33 by inserting after section 8 the following new sections:

33: 8-a [New] Hearing to be Held. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of \$100,000 held before the governing board of any municipality. Said hearing shall be held at least fifteen days prior to the meeting at which the bond or note issue is to be voted upon. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least seven days before it is held. After the hearing the board of selectmen or school board shall determine the form of such articles to be submitted to the voters and such articles shall be acted upon prior to other business except the election of officers or as otherwise determined by the voters at the meeting. The provisions of this section shall not apply to cities.

33: 8-b [New] Bonds or Notes in Excess of One Hundred Thousand Dollars. All articles appearing in the warrant which propose a bond or note issue exceeding one hundred thousand dollars, shall appear in consecutive numerical order. The first such article shall bear the numeral II. Polls shall remain open and votes shall be accepted by the moderator on each such article, for a period of not less than two hours, following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

270: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 271.

AN ACT RELATIVE TO THE DEFINITION OF A WORKDAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

271: 1 Length of Workday. Amend RSA 275: 30 by striking out in line one the word "ten" and inserting in place thereof the word (eight) so that said section as amended shall read as follows:

275: 30 Day's Work Defined. In all contracts relating to labor eight hours' actual labor shall be taken to be a day's work unless otherwise agreed by the parties. This provision shall not apply to classes of labor for which the law provides day limits.

271:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 272.

AN ACT PROHIBITING DUMPING MATERIALS FROM OUT-OF-STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

272:1 Dump on Owner's Property. Amend RSA 147 by striking out section 30-d (supp) and inserting in place thereof the following new section:

147:30-d Exemptions. Nothing in this subdivision shall be construed to prohibit the maintenance of a dump site located on a person's own property used for the express purpose of depositing garbage and refuse from his own residence nor to individuals hauling or storing animal or poultry manure for use as a fertilizer.

272:2 Out-of-State Waste. Amend RSA 147 by inserting after section 30-d the following new subdivision:

Waste from Out-of-State [New]

147:30-e Definitions. As used in this subdivision:

I. "Waste matter" means garbage, refuse, solid or liquid waste, ashes, rubbish, industrial and commercial waste, and all other refuse of every description, whether loose, in containers, compacted, baled, bundled or otherwise.

147:30-f Prohibition. No person, firm, corporation or other legal entity shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the state or in the territorial waters of the state, which waste matter originated outside the state. Nothing in this section shall be construed to prohibit the transportation of waste matter into the state for use as a raw material for the production of new commodities which are not waste matter as defined. Each person guilty of a violation of this section shall be guilty of a separate offense for each day all or part of the waste matter which is the subject matter of such violation is allowed to remain in the structure, on the land, or in the water in which it was deposited.

147:30-g Exemption. Nothing in RSA 147:30-f shall be construed to prohibit the disposal of out-of-state garbage, manure, putrescible materials or refuse at a public disposal facility provided the out-of-state city or town of origin is a participating member of a New Hampshire regional refuse disposal district as provided in RSA 53-B, or has arranged to share public disposal facilities with a New Hampshire city or town.

147:30-h Penalty. Whoever shall violate this subdivision shall be punished by a fine of not less than two hundred dollars nor more than two thousand dollars for each violation.

147: 30-i Jurisdiction. The superior court, upon complaint of the attorney general, the municipal officer of any municipality, or any local or state health officer, shall have jurisdiction to restrain or enjoin violations of this subdivision, and to enter decrees requiring the removal from the state of waste matter deposited in violation of this section. In any such civil proceeding neither an allegation nor proof of unavoidable or substantial and irreparable injury shall be required to obtain a temporary restraining order or injunction, nor shall bond be required of the plaintiff; and the burden of proof shall be on the defendant to show that the waste matter involved originated within the state.

272: 3 Repeal. RSA 147: 28-a (supp) as inserted by 1965, 201: 4 relative to certain commercial disposal prohibited is hereby repealed.

272: 4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 273.

AN ACT RELATIVE TO THE ASSIGNMENT OF PUPILS UNDER DUAL ENROLLMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

273: 1 Tuition Liability. Amend RSA 193 by inserting after section 4 the following new section:

193: 4-a [New] Tuition Liability—Dual Enrollment. Any district shall be liable for the tuition of any child who as a resident of the district has been assigned to attend public school in another district in accordance with an approved dual enrollment plan; such payment shall be made as provided in RSA 193: 4. Notwithstanding any provisions of RSA 189: 6 through 9, pupils so assigned shall not be entitled to transportation furnished at school district expense.

273: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 274.

AN ACT GIVING THE DIRECTOR OF SAFETY SERVICES AND HIS AUTHORIZED REPRESENTATIVES THE POWER OF ARREST IN THE ENFORCEMENT OF LAWS RELATIVE TO OPERATION OF BOATS BY A PERSON UNDER THE INFLUENCE OF LIQUOR OR DRUGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

274: 1 Enforcement of Laws Relative to Operation of Boats. Amend RSA 570 by inserting after section 28-a the following new section:

570:28-b [New] Powers Conferred. In the enforcement of RSA 570:28 relative to operation of boats by a person under the influence of intoxicating liquor or any narcotic or habit-forming drug or other unlawful operation of boats thereunder, the director and his duly authorized representatives shall have all the powers of a deputy sheriff in any county of the state.

274:2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1971.]

[Effective date June 23, 1971.]

CHAPTER 275.

AN ACT RELATIVE TO FILING CITY CHARTERS AND AMENDMENTS THERE TO, WITH THE SECRETARY OF STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

275:1 Filing Charters and Amendments. Amend RSA 44 by inserting after section 1 the following new section:

44:1-a [New] City Charters, Filing. Each city shall file by January 1, 1973 with the secretary of state a copy of its then existing charter as one document incorporating all amendments thereto. Amendments adopted after said date shall be filed in like manner within ten days of their adoption.

275:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 276.

AN ACT ESTABLISHING A REMOTE TERMINAL PROVIDING INFORMATION ON FEDERAL FUNDS IN THE OFFICE OF THE COORDINATOR OF FEDERAL FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

276:1 Remote Terminal Established. Amend RSA 4:12-a (supp) as inserted by 1967, 113:1 by striking out the same and inserting in place thereof the following:

4:12-a Coordinator of Federal Funds. The governor with the consent of the council shall appoint a coordinator of federal funds who shall hold office at the pleasure of the governor and council and until his successor is appointed and qualified; he shall be an unclassified employee and shall be qualified by education and experience. The coordinator of federal funds shall:

I. Inform and advise the heads of all state departments, divisions, agencies and commissions and the legislative budget assistant concerning federal programs from which the state may be eligible to receive federal funds and concerning the application requirements which must be met in order to participate therein;

II. Review all requests and agreements originating in any state department, division, agency and commission relating to participation in any federal program from which federal funds may be received;

III. Receive accounts from all state departments, divisions, agencies and commissions setting forth the amounts of funds received each quarter from the federal government and the disposition and use of all such funds;

IV. Inform and advise, upon request, the representative of any city or town concerning federal programs from which the city or town may be eligible to receive federal funds and concerning the application requirements which must be met in order to participate therein;

V. Establish in his office, upon the advice and recommendation of the department of centralized automated data processing and upon receipt of federal funds sufficient to fund the project, a remote terminal which will allow access to a central computer with information concerning federal funds and programs.

276:2 Federal Funds. The coordinator of federal funds is hereby authorized to accept federal funds to be expended for the purpose authorized by RSA 4:12-a, V.

276:3 Effective Date. This act shall take effect July 1, 1971.

[Approved June 23, 1971.]

[Effective date July 1, 1971.]

CHAPTER 277.

AN ACT RELATIVE TO TIMBER CUTTING ADJACENT TO PUBLIC WATERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

277:1 Cutting Timber in Certain Areas. Amend RSA 224 by inserting after section 44 the following new sections:

224:44-a [New] Cutting of Timber near Public Waters and Highways. Except for the purpose of immediate conversion of land for other than timber growing and forest uses, no more than fifty percent of the merchantable timber volume shall be cut within two hundred feet of any public water body, or of any floatable or navigable river, stream or brook, or a public highway, unless the owner obtains the prior written consent of the state forester or county forester having jurisdiction of that respective area.

224:44-b [New] Care of Slash and Mill Waste. Whoever pushes over, cuts, saws or operates or causes to be pushed over, cut, sawed or operated any timber, brush, lumber, or wood shall dispose of the slash and mill waste caused by such pushing over, cutting, sawing or operating. Disposal

shall be in such manner that said slash and mill waste shall not remain:

I. In any but an intermittent river, stream or brook; or

II. Within twenty-five feet of land of another; or

III. Within fifty feet of any public water body; or

IV. Within fifty feet of any floatable or navigable river, stream or brook;
or

V. Within fifty feet of any public highway; or

VI. Within sixty feet of the right-of-way of any railroad; or

VII. Within one hundred feet of any occupied building except a temporary lumber camp.

Disposal of said slash and mill waste shall be in such manner that it is disposed of within the area between fifty feet and two hundred feet of any public water body, any floatable or navigable river, stream or brook, or public highway and so that it lies on the ground and no part thereof extends more than four feet above the ground. In the event that more than one of the foregoing limitations on the disposal of said slash and mill waste shall be applicable, the most restrictive shall control.

277:2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1971.]

[Effective date June 23, 1971.]

CHAPTER 278.

AN ACT TO PERMIT USE OF STREETS FOR CONDUCTING STREET FAIRS,
INCLUDING RETAIL SELLING ON TEMPORARY BASIS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

278:1 License to Conduct Street Fair. Amend RSA 570 by inserting after section 8 the following new section:

570:8-a [New] Street Fairs. The selectmen of a town or governing body of a city may grant a license in writing to any person or persons to use and occupy a portion of any street or sidewalk, as may be designated in general or in specific terms, for the purpose of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions. Such licenses may include the right to encumber the designated area with boxes, shelves, stands and other devices useful in conducting such sales and shall be issued for not in excess of three consecutive business days. Licenses may also be subject to such other terms and conditions, to be expressed in the license, as the public convenience and safety may require.

278:2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1971.]

[Effective date June 23, 1971.]

CHAPTER 279.

AN ACT TO PROTECT THE APPALACHIAN NATIONAL SCENIC TRAIL
WITHIN THE STATE OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

279:1 New Chapter. Amend RSA by inserting after chapter 216-C the following new chapter:

CHAPTER 216-D [NEW]

APPALACHIAN NATIONAL SCENIC TRAIL

216-D:1 Declaration of Policy. It is declared to be the policy of the state of New Hampshire that the New Hampshire portion of the Appalachian National Scenic Trail be preserved in its natural character as proposed by Public Law 90-543, October 2, 1968.

216-D:2 Appalachian Trail. The commissioner of the department of resources and economic development may acquire by purchase, gift, eminent domain or otherwise such land, including rights of way and easements for the purpose of protecting or enhancing scenic beauty, as he may deem necessary to establish, protect and develop a trail across the state between the Connecticut river and the Maine state line to be known as the Appalachian Trail, and he may provide shelters and other facilities thereon, provided however that the power of eminent domain shall not be utilized to acquire more than twenty-five acres in any mile of trail. Any department or agency of the state, or any political subdivision, district or authority may transfer to the department land or rights in land for said purposes on such terms and conditions as may be agreed upon, or may enter into an agreement with the commissioner providing for the establishment and protection of said trail. The Appalachian Trail shall be held, developed and administered under this chapter primarily as a footpath and the natural scenic beauty thereof shall be preserved insofar as is practicable, provided however that the commissioner may permit other uses of the trail and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trail. Nothing in this section shall be construed to limit the right of the public to pass over existing public roads which may be or become part of the trail, nor prevent the department from performing such work as is necessary for the purpose of forest fire prevention and control, insect pest and disease control and the removal of damage caused by natural disaster.

216-D:3 Powers of Commissioner. The commissioner may grant temporary or permanent rights of way across lands acquired under this chapter under such terms and conditions as he may deem advisable. The commissioner may enter into cooperative agreements with agencies of the federal government or with private organizations to provide for the maintenance of the trail. No person who has granted a right of way for said trail across his land, or his successor in title, shall be liable to any user of the trail for injuries suffered on said portion of the trail unless the same are caused by his willful or wanton misconduct.

216-D: 4 Use of Funds. The department of resources and economic development is hereby authorized to use any funds which may become available to carry out this chapter. Any available funds from the United States land and water conservation fund or other federal assistance programs may also be used to accomplish this purpose.

279: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 280.

JOINT RESOLUTION RELATIVE TO RETIREMENT CREDIT FOR GEORGE R. MERRIFIELD.

WHEREAS, The town of Sunapee elected to participate in the employee's retirement system in July, 1946, and

WHEREAS, George R. Merrifield served the town of Sunapee from August 2, 1944 but did not elect to become a member of the employee's retirement system until August 2, 1954; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT notwithstanding the provisions of RSA 100 and 100-A, George R. Merrifield shall be entitled to receive retirement credit for all his services between July 1, 1946 and July 31, 1954 upon his payment and payment by the town of Sunapee to the New Hampshire retirement system the sums determined by the consulting actuary of the state needed to fund such additional creditable service. These sums shall be paid in full in one payment by each of the contributors.

[Approved June 23, 1971.]

CHAPTER 281.

JOINT RESOLUTION IN FAVOR OF STEVEN W. ROLLINS.

WHEREAS Steven W. Rollins, a conservation officer of the Fish and Game Department, has entirely exhausted his sick leave due to an unprecedented series of illnesses, accidents and other misfortunes above and beyond predictable norms (and even though he continued to work at times in the past five years when he was substantially under par physically); thus entitling him to special consideration under all the circumstances;

Resolved by the Senate and House of Representatives in General Court convened:

THAT, other provisions of law to the contrary notwithstanding, Steven W. Rollins, a conservation officer be credited with leave of absence with pay for the three-month period beginning May 11, 1971 and ending August 10, 1971.

THERE is hereby appropriated the sum of two thousand, two hundred fifty-six dollars for the purpose hereinabove provided. Said appropriation shall be a charge against the fish and game fund.

[Approved June 23, 1971.]

CHAPTER 282.

JOINT RESOLUTION PROVIDING FOR A SPECIAL LEGISLATIVE COMMITTEE TO STUDY THE METHODS BY WHICH A PUBLIC DEFENDER SYSTEM CAN BE IMPLEMENTED IN THE STATE.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby established a special legislative committee to work with the judicial council and make a study of the methods by which a public defender system can best be implemented in the state. The committee shall be composed of three members of the senate judiciary committee appointed by the president of the senate, and three members of the house judiciary committee appointed by the speaker of the house. The committee shall submit a report of its recommendations to the legislature on or before January 15, 1973, together with drafts of any bills which may be necessary to create such a system.

[Approved June 23, 1971.]

CHAPTER 283.

JOINT RESOLUTION PROVIDING FOR A SPECIAL LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A NON-ADVERSARY JUVENILE AND DOMESTIC RELATIONS COURT IN THE STATE.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby established a special legislative committee to work with the judicial council and make a study of the feasibility of establishing a non-adversary juvenile and domestic relations court within the state. The committee shall be composed of three members of the senate judiciary committee appointed by the president of the senate and three members of the house judiciary committee appointed by the speaker of the house. The committee shall submit a report of its recommendations to the legislature on or before January 15, 1973, together with drafts of any legislation which may be necessary to implement such a system.

[Approved June 23, 1971.]

CHAPTER 284.

JOINT RESOLUTION EXTENDING TO JUNE 30, 1973 THE LAPSING OF THE
1969 APPROPRIATION TO PROVIDE STATE FLAGS TO SERVICEMEN.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THAT the Laws of 1969, Chapter 546, be amended by inserting at the end
thereof the following new sentence:

THE funds appropriated hereby shall not lapse and any balance remain-
ing on June 30, 1971 shall be available for expenditure during the biennium
ending June 30, 1973.

[Approved June 23, 1971.]

CHAPTER 285.

AN ACT ELIMINATING THE REQUIREMENT OF PUBLISHING THE
ADVERTISEMENT OF SALE OF STATE GUARANTEED SEWER
BONDS AND NOTES.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

285:1 State Guarantee of Bonds and Notes. Amend RSA 149:5
(supp) as amended by 1957, 213:2; 1961, 182:1; 1963, 167:1; 1966, 3:1;
1967, 148:1; 1969, 454:1; 1970, 13:1 by striking out in lines seventeen
and eighteen the numerals and words "(1) at public sealed bidding, (2)
after publication of advertisement for bids, (3) to the highest bidder."
and inserting in place thereof the words (at public sealed bidding to the
highest bidder) so that said section as amended shall read as follows:

149:5 State Guarantee. In view of the general public benefits result-
ing from the elimination of pollution from the public waters of the state,
the governor and council are authorized in the name of the state of New
Hampshire to guarantee unconditionally, but at no time in excess of the
total aggregate sum for the entire state of one hundred million dollars, the
payment of all or any portion, as they may find to be in the public interest,
of the principal of and interest on any bonds or notes issued by any munici-
pality, town, city, county, or district for construction of sewage systems,
sewage treatment and disposal plants, or other facilities necessary, re-
quired or desirable for pollution control, and the full faith and credit of
the state are pledged for any such guarantee. The outstanding amount of
principal and interest on such bonds and notes, the payment of which has
been guaranteed by the state under the provisions of this section, shall at
no time exceed the amount of one hundred million dollars. The state's guar-
antee shall be endorsed on such bonds or notes by the state treasurer; and
all notes or bonds issued with state guarantee shall be sold at public sealed
bidding to the highest bidder. Any and all such bids may be rejected and a
sale may be negotiated with the highest bidder. In the event of default in
payment of any such notes or bonds, the state may recover any losses
suffered by it by action against the town as provided in RSA 530.

285:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 286.

AN ACT PERMITTING NONPROFIT COLLEGES, NONPROFIT TRUSTS AND FUNDS TO BE PARTICIPATING LENDERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

286:1 Including Nonprofit Colleges, Nonprofit Trusts and Funds as Participants. Amend RSA 387:17-a (supp) as inserted by 1963, 326:1 and amended by 1967, 117:3 and 1969, 411:1 by striking out said section and inserting in place thereof the following:

387:17-a Other Institutions. The small business administration and other federally-chartered corporations which are agencies or instrumentalities of the United States, the industrial development authority as an agency of the state, trustees of pension trusts and retirement funds, and credit unions shall be deemed qualified to be an originating lender or a participating lender, and other New Hampshire corporations, nonprofit colleges, and nonprofit trusts and funds shall be deemed qualified to be participating lenders, within the meaning of this chapter and the definitions contained in RSA 387:1, XIII, XIV and XV, in participation with any of the kinds of institutions mentioned therein. Provided, however, that the authority granted by this section shall be limited to participation in mortgage loans authorized by RSA 387:4, I, II, III, IV and VI.

286:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 287.

AN ACT ELIMINATING THE BIENNIAL REFERENDUM ON SWEEPSTAKES ON THE BALLOTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

287:1 Biennial Voting Requirement Removed. Amend RSA 284:21-k (supp) as inserted by 1963, 52:1 and amended by 1967, 304:3 by striking out said section and inserting in place thereof the following:

284:21-k Sale; Local Option. The sweepstakes commission may sell tickets pursuant to the provisions of this subdivision in any city or town of this state except in those cities or towns in which the voters disapproved of the sale of such tickets at the biennial election in November 1970. Upon

the petition of ten voters or ten percent of the voters, whichever is less, of any city or town, not later than the October first prior to any general biennial election, the town clerk shall cause to be inserted on the ballot for said election the appropriate version of the following question: "Shall sweepstakes tickets (continue to) be sold in this city or town?" If a majority of those voting approve the question, tickets may be sold or continued to be sold by the commission in that city or town. If a majority of those voting disapprove the question, the commission shall not sell tickets in that city or town. No petition that the question prescribed herein be inserted on the ballot at the next biennial election shall be made within two years of a vote on such a question at a previous election.

287:2 Provisions Clarified. Amend RSA 284:21-h, II, (d) (supp), as inserted by 1967, 42:1 and amended by 1967, 304:1 by striking out said paragraph and inserting in place thereof the following:

(d) May be sold by or for the sweepstakes commission in the following locations: Such major type hotels, motels, banks, commercial areas, and local fairs as are approved by the commission, provided however, that all sales in commercial areas shall be only by employees of the sweepstakes commission or from mobile units operated by the commission. Sales at all the above locations shall be subject to rules and regulations established by the commission, and provided however, that the voters of the cities or towns in which the respective sales outlets are located shall have signified their approval of the sale of sweepstakes tickets in said cities or towns in the general election in November 1970 or pursuant to RSA 284:21-k. Tickets may be sold only in such of these locations as desire to cooperate. The commission and management shall make mutually agreeable arrangements to accomplish the sale of tickets at a uniform rate of compensation.

287:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 288.

AN ACT RELATIVE TO SALARIES OF DISTRICT COURT JUDGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

288:1 Salaries Increased. Amend RSA 502-A:6, I as amended by 1969, 124:5 and 1970, 14:1 by striking out said paragraph and inserting in place thereof the following:

I. SALARIES OF JUSTICES. The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner: for the first fifteen hundred cases, four hundred dollars for each one hundred cases or fraction thereof; for the next one thousand cases, three hundred dollars for each one hundred cases or fraction thereof; and for all cases over twenty-five hundred, one hundred and fifty dollars for each one hundred cases or fraction thereof provided that the sum of five hundred dollars shall be added to the salary of each justice of a district court which has exclu-

sive civil jurisdiction in cases where the damages do not exceed five hundred dollars. No justice shall be paid a salary less than a sum equal to one hundred and eighty dollars for each thousand persons residing in the district, as reported in the last federal census, and no justice shall receive a salary greater than twenty-one thousand seven hundred fifty dollars a year. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

288:2 Effective Date. This act shall take effect June 1, 1972.

[Approved June 23, 1971.]

[Effective date June 1, 1972.]

CHAPTER 289.

AN ACT RELATIVE TO SEWER RATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

289:1 Rentals. Amend RSA 252:10 as amended by 1961, 120:7 by striking out in lines eight, nine, ten, eleven and twelve the words "Such rents may be based upon either the metered consumption of water on premises connected with the sewer system, making due allowances for commercial use of water, the number and kind of plumbing fixtures connected with the sewer system or the number of persons served by said sewer system, or upon any other equitable basis." and inserting in place thereof the words (Except in the case of institutional, industrial or manufacturing use, the amount of such rents shall be based upon either the consumption of water on the premises connected with the sewer system, or the number of persons served on the premises connected with the sewer system, or upon some other equitable basis) so that said section as amended shall read as follows:

252:10 Sewer Rentals. For the defraying of the cost of construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of newly constructed sewer systems, including newly constructed sewage or waste treatment and disposal works, the mayor and aldermen may establish a scale of rents to be called sewer rents, and to prescribe the manner in which and the time at which such rents are to be paid and to change such scale from time to time as may be deemed advisable. Except in the case of institutional, industrial or manufacturing use, the amount of such rents shall be based upon either the consumption of water on the premises connected with the sewer system, or the number of persons served on the premises connected with the sewer system, or upon some other equitable basis.

289:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 290.

AN ACT PROVIDING FOR CONSULTATION BY THE LABOR COMMISSIONER WITH CHIROPRACTORS RELATIVE TO REASONABLE VALUE OF SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

290:1 Consultation with Chiropractors. Amend RSA 281: 21-a (supp) as inserted by 1963, 328: 8 and amended by 1967, 403: 10 by inserting in line sixteen after the word "Society." the following words (, (d) New Hampshire Chiropractic Association.) so that said section as amended shall read as follows:

281: 21-a Reasonable Value of Services. Whenever medical and hospital services, or other remedial care, are rendered to an injured employee under the provisions of this chapter, and a dispute arises between the employer and the person, firm or corporation rendering such services or care as to the reasonable value thereof, the labor commissioner shall have exclusive jurisdiction to determine the reasonable value of such services or care. Any interested party may petition for a hearing and all interested parties shall be entitled to notice and hearing. In addition, the commissioner may consult with not less than three members of the same profession as the creditor concerned in the subject dispute and thereafter determine the reasonable value for such services or care. Each of the following organizations shall be entitled to submit to the labor commissioner the names of ten members of their organization who shall comprise a panel from which the commissioner shall choose individuals with whom to consult: (a) New Hampshire Medical Society, (b) New Hampshire Osteopathic Society, (c) New Hampshire Dental Society, (d) New Hampshire Chiropractic Association. Nothing herein contained shall be construed as a bar to the commissioner, for purposes of complying with this section, consulting with any other professional individuals, provided that said individuals shall be engaged in the private practice of their profession and not in the employ of the employer of the patient or any party or agent acting on behalf of the employer, and no individual who is not engaged full time in the private practice of his profession shall be eligible for membership on any of the panels aforesaid. Following hearing as aforesaid and such further investigation as he may choose to conduct, the labor commissioner shall make his findings as to the reasonable value of such services or care rendered and such findings shall be final.

290:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 291.

AN ACT RELATIVE TO THE DISPLAY OF THE NEW HAMPSHIRE
STATE FLAG.

Be it Enacted by the Senate and House of Representatives in General Court convened:

291:1 Display at Schools. Amend RSA 189: 17 (supp) as amended by 1969, 104: 4 by striking out said section and inserting in place thereof the following new section:

189:17 Flags; Penalty. They shall supply a United States and a New Hampshire state flag; the flags shall be made not less than five feet in length, with a flagstaff and appliances for displaying the same, for every schoolhouse in the district in which a public school is taught, at the expense of the district. They shall prescribe rules and regulations for the proper custody, care and display of these flags; the regulations shall require that wherever possible, the United States flag and the New Hampshire state flag shall be displayed on separate staffs of equal height. When the flags are displayed on the same staff, the United States flag shall be displayed above the New Hampshire flag. When they are otherwise displayed, the flags shall be placed conspicuously in the principal room of the schoolhouse. The governing board of every private school shall supply a United States flag, such flag to be made not less than five feet in length, with a flagstaff and appliances for displaying same. They shall make provisions similar to those required in the public schools for the display of said flag. Any members of a school board or the governing board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.

291:2 Public Buildings. Amend RSA 3:4 (supp) as amended by 1955, 305:1 by inserting at the end thereof the following (This section shall be construed to encourage the display of the state flag on public buildings) so that said section as amended shall read as follows:

3:4 —Permission to Use. The governor is authorized to make rules and regulations governing the use and display of the state flag not inconsistent with the provisions of RSA 573, and it shall be lawful to use and display said flag in accordance with such rules and regulations. This section shall be construed to encourage the display of the state flag on public buildings.

291:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 292.

AN ACT RELATIVE TO ACTIONS TO QUIET TITLE AGAINST KNOWN AND UNKNOWN PERSONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

292:1 Proceedings to Settle Title Disputes. Amend RSA 498 by inserting after section 5 the following new sections:

498:5-a [New] Real and Personal Property; Disputed Titles. An action may be brought in the superior court by any person claiming title to, or any interest in, real or personal property, or both, against any person who may claim to own the same, either in fee, for years, for life or in reversion or remainder, or to have any interest in the same, or any lien or encumbrance thereon, adverse to the plaintiff, or in whom the land records disclose any interest, lien, claim or title conflicting with the plaintiff's claim, title or interest, and whether the plaintiff is entitled to the immediate or

exclusive possession of such property, for the purpose of determining such adverse estate, interest or claim, and to clear up all doubts and disputes and to quiet and settle the title to the same, or the holder of a tax collector's deed desires to quiet his title to the property conveyed under such deed. The petition in such action shall describe the property in question and state the plaintiff's claim, interest or title and the manner in which the plaintiff acquired such claim, interest or title and shall name the person or persons who may claim such adverse estate or interest.

498: 5-b [New] Title in Persons Unknown and Persons Not Located. In any action brought under the provisions of RSA 498: 5-a if the plaintiff therein alleges that there are or that he believes there are or that there may be persons who have or may have some estate or interest in such real or personal property but such persons cannot be located and are unknown to the plaintiff and describes the actual or possible estate or interest of such person or persons, and how derived, so far as may be known to him from the available land records or otherwise, or if the party who may have an interest or estate in such property is a corporation whose corporate existence has been legally terminated, or such corporation is no longer in existence or doing business, and in the complaint the plaintiff describes as parties defendant "or the unknown persons who claim any interest or estate in and to the subject matter of this action," it shall not be necessary to set forth therein any further description of such unknown persons. If the plaintiff or his attorney annexes to the complaint in such action an affidavit setting forth such facts and in addition sets forth the efforts which were made to ascertain the names and addresses as well as the interest or estates of such unknown persons, the court to which such action is brought may make such order relative to the notice which shall be given in such cause as such court deems reasonable. Such notice having been given according to the order and duly proven shall be sufficient to confer jurisdiction of all such unknown persons and the court may proceed to a hearing of the cause at the first term or session, or afterwards as it deems proper. Such court in its discretion may appoint any guardian or other person to represent such unknown persons under any legal disabilities and all such persons shall be concluded by any decree or judgment in respect to the real or personal property involved in such action.

498: 5-c [New] Defendants in Title Disputes: Costs. Each defendant in an action brought under the provisions of RSA 498: 5-a shall, in his answer, state whether or not he claims any estate or interest in, or encumbrance on, such property, or any part thereof, and, if so, the nature and extent of the estate, interest or encumbrance which he claims, and he shall set out the manner in which such estate, interest or encumbrance is claimed to be derived. No judgment for costs shall be rendered in such action against any defendant, who, by his answer, disclaims all estate or interest in or encumbrance on such property, but costs shall be taxed in his favor at the discretion of the court; and the court shall, in any such case, without further proof, render judgment that such defendant has no estate, interest in or encumbrance on such property or any part thereof.

498: 5-d [New] Decrees. The court, in any action brought under the provisions of RSA 498: 5-a shall hear the several claims and determine the rights of the parties, whether derived from deeds, wills or other instruments or courses of title, and may determine the construction of the same,

and render judgment determining the questions and disputes and quieting and settling the title to such property. In any case in which a tax sale is adjudged invalid, the court, as a condition precedent to the entry of a decree setting aside such sale, shall require the claimant of the property in question to pay to the purchaser a sum of money equal to the amount paid by such purchaser at the tax sale in question, including fees prescribed by law and the amounts paid by such purchaser to satisfy any taxes assessed against the property in question subsequent to such tax sale, with interest thereon at the legal rate from the date of such sale or date of payment of such subsequent taxes to the date of the decree.

292:2 Repeal. RSA 80:47 relative to contested tax sales; RSA 498:3 relative to disputed titles, and RSA 498:5 relative to tax sales are hereby repealed.

292:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1971.]

[Effective date August 22, 1971.]

CHAPTER 293.

AN ACT TO AMEND THE CONDITIONS OF AN APPROPRIATION FOR DILLANT-HOPKINS AIRPORT, KEENE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

293:1 Use of Funds. Amend Laws of 1969, 505:1, III(c) by striking out said paragraph and inserting in place thereof the following:

(c) Dillant-Hopkins airport, Keene:

Land Acquisition and relocation of controls for electrical and electronic air navigation aids	\$22,500	
Terminal building (state share)	75,000	97,500

293:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 24, 1971.]

[Effective date August 23, 1971.]

CHAPTER 294.

AN ACT INCREASING THE STATE GUARANTEE FOR CERTAIN SCHOOL CONSTRUCTION PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

294:1 School Building Authority; State Guarantee. Amend RSA 195-C:2 (supp) as inserted by 1967, 154:1 and amended by 1970, 51:8, by striking out in line thirteen the word "twenty" and inserting in place

thereof the word (forty), so that said section as amended shall read as follows:

195-C:2 State Guarantee. Upon the receipt of a report from the authority containing a recommendation that bonds or notes of a receiving district, cooperative school district, dual enrollment district, or district whose enrollment has increased ten percent or more in any one year should be guaranteed by the state, the governor with the advice and consent of the council may award an unconditional state guarantee with respect to such bonds or notes in accordance with the authority's recommendation or in some lesser amount or percentage, or on the alternative basis of guarantee, as the best interests of the state may require. The full faith and credit of the state are and shall be pledged for any such guarantees, and the total outstanding amount of the principal of and interest on such bonds and notes which has been guaranteed by the state under this section shall at no time exceed forty million dollars. The governor, with the advice and consent of the council, is authorized to draw his warrant on the state treasurer from any funds in the treasury, which have not otherwise been appropriated, for the purpose of honoring any guarantee awarded under this section. In the event that any state funds shall be so used, the state may recover the amount thereof as provided in RSA 530.

294:2 Effective Date. This act shall take effect upon its passage.

[Approved June 24, 1971.]

[Effective date June 24, 1971.]

CHAPTER 295.

AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

295:1 Charters Repealed. The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise herein specified:

A & B Promotions, Inc. (Hudson, 1968)
ACC Corporation (formerly New Hampshire Finance Corporation, formerly ACC Corporation, Manchester, 1965)
A & D Electric, Inc. (Madbury, 1968)
ADI, Inc. (Nashua, 1969)
A & D Merchandising, Inc. (Hudson, 1965)
A.G.D.C. Corp. (Manchester, 1967)
A-J Realty, Inc. (Laconia, 1958)
A J A Finishing Corp. (Manchester, 1964)
A. & L. Offset Printing, Inc. (Exeter, 1963)
A M C Land Corp. (Haverhill, 1968)
AMF Corporation, The (Concord, 1954)
Abacus Realty, Inc. (Nashua, 1969)
Abelena Textiles, Inc. (Manchester, 1949)
Academy Development, Inc. (Exeter, 1968)
Aces Paraleveler, Inc. (Concord, 1958)
Acme Realty Company (formerly Acme Warehouse Company, Manchester, 1936)

Adair Construction, Inc. (Columbia, 1968)
Adam House, Inc. (Hampton, 1964)
Adrienne, Inc. (Nashua, 1960)
Advance Data Associates, Inc. (Nashua, 1965)
Advance Machine Co., Inc. (Manchester, 1963)
Aero-Microwave Laboratories, Inc. (Newfields, 1968)
Aim Enterprises, Inc. (formerly H & B Construction Corp., Dover, 1963)
Air Service, Inc. (Exeter, 1962)
Alden Farms, Inc. (Orange, 1967)
Alibaba Minute Bar-Ba-Q Inc. (Manchester, 1965)
Alignment Specialists, Inc. (North Hampton, 1967)
Alken Enterprises, Inc. (Portsmouth, 1967)
All Seasons' Realty, Inc. (Meredith, 1968)
Allen-New Hampshire Paper Co., Inc. (formerly Ashwin Paper Co., Inc., Hinsdale, 1968)
Allen's Auto Center, Inc. (formerly McCallum Leasing Corp., Hudson, 1968)
Allen's Landscaping Co., Inc. (New Boston, 1963)
Allentown Raceway, Inc. (Allentown, 1967)
Allied Home Improvement, Inc. (Manchester, 1966)
Allied Industries Corporation (Claremont, 1966)
Allied Tree and Landscape Service, Inc. (Stratham, 1968)
Allpoints Distributing Inc. (Laconia, 1964)
Allstate Drywall, Inc. (Hampton, 1966)
Alpine Masonry, Inc. (Hudson, 1969)
Al's Save-More Tire Center, Inc. (Salem, 1968)
American Dairy Association and New Hampshire Milk, Inc. (formerly New Hampshire Milk, Inc., Concord, 1954)
American Dry Beverage Corporation (Manchester, 1957)
American Homeguard Corporation (Bedford, 1969)
American Linen Service Co., Inc. (Raymond, 1957)
American Nurse Shoe Corporation, The (Hampton, 1965)
American Plastics, Inc. (Conway, 1963)
American Resorts, Inc. (formerly American Resort Consultants, Inc., Manchester, 1968)
American Scene, Inc., The (Salem, 1966)
American Twine and Fabric Corporation (Salmon Falls, 1942)
Americana Corporation, The (Manchester, 1966)
Ames Motor Co., Inc. (Haverhill, 1968)
Ames Realty, Inc. (Woodsville, 1954)
Amherst Construction Corporation (Amherst, 1969)
Amherst Industries, Inc. (Milford, 1964)
Amoskeag Insurance Agency, Incorporated (Nashua, 1966)
Anagnost Realty, Inc. (Nashua, 1963)
Analisa Realty Company, Inc. (Manchester, 1967)
Analog Equipment Corp. (Hampton Falls, 1966)
Anchor Budget Consultants, Inc. (Manchester, 1967)
Anchor-Fairfield Sales Corp. (Dover, 1964)
Anderson & Leavitt, Inc. (Concord, 1967)
Andover Milling Co., Inc. (Andover, 1953)
Andover Systems of New Hampshire, Inc. (Nashua, 1968)
Andrew's Artesian Wells, Inc. (West Windham, 1968)
Andrews, T. Philip, Associates, Inc. (Concord, 1967)

Androscoggin Valley Supermarkets, Inc. (Gorham, 1964)
Andy's Drywall, Inc. (Merrimack, 1968)
Anoran, Inc. (Bartlett, 1968)
Arcane Investment Corp. (Nashua, 1969)
Argentia Development Corporation (Barrington, 1969)
Arjay Corporation (Littleton, 1968)
Arms Textile Mfg. Co., Inc. (Manchester, 1963)
Arthur's Last Remodeling, Inc. (Manchester, 1964)
Arthur's Restaurant, Inc. (Manchester, 1967)
Artilu, Inc. (Manchester, 1963)
Artist Falls Corporation (Conway, 1968)
Arwall Motor Company, Inc. (Manchester, 1967)
Astro Casting Corporation (Londonderry, 1969)
Atkee Travel Agency, Inc. (Keene, 1967)
Auto Finance Service Inc. (Dover, 1958)
Auto-Lab, Inc. (Salem, 1969)
Automatic Laundry, Inc. (Derry, 1958)
Avco Financial Services of Wyoming, Mich., Inc. (formerly Seaboard Finance Company of Wyoming, Michigan, Inc., Concord, 1962)
Avco Financial Services No. 210, Inc. (formerly Avco National Corporation, Concord, 1968)
Azzi Construction Company, Inc. (formerly New England Siding Consultants, Inc., Manchester, 1967)
B. & E. Construction Co., Inc. (Woodsville, 1968)
B & F Bakery, Inc. (Richmond, 1968)
B & G Floor Co., Inc. (Manchester, 1958)
B. & H. Personnel Associates, Inc. (Salem, 1969)
B. J. Development Corp. (Conway, 1969)
B & M Holding Corporation, The (Concord, 1968)
B.M.L. Corp. (Nashua, 1968)
B. R. J. Associates, Inc. (Dover, 1966)
B & W Oil Co., Inc. (Manchester, 1966)
BAGA Realty Co., Inc. (Manchester, 1955)
Bailey Pond Development Corp. (New Boston, 1964)
Baillargeon Lumber, Inc. (Colebrook, 1968)
Bankers Associates Corporation (Keene, 1961)
Barnes Aviation, Inc. (Concord, 1958)
Barnes, Rouillard & McPherson Realty, Inc. (Claremont, 1965)
Bartage, Inc. (Manchester, 1960)
Bartlett Mountain Development, Inc. (Bartlett, 1968)
Basic Plastic Materials, Inc. (Winchester, 1946)
Bath Fiber Co., Inc. (Bath, 1954)
Bay Development Realty, Inc. (Laconia, 1968)
Beacon Building, Inc. (Manchester, 1953)
Beacon Realty Company, Inc. (formerly Capital City Realty Company, Inc., Concord, 1952)
Beacon Towers Corporation (Nashua, 1964)
Bean, Wallace, Inc. (Hooksett, 1954)
Beaudry Real Estate, Inc. (Claremont, 1961)
Beaver Casting & Printing Co., Inc. (Brookline, 1968)
Beaverwood Corporation (Nashua, 1967)
Bedford Plumbing & Heating Supply Co., Inc. (Bedford, 1965)
Beecher Equipment, Inc. (Lancaster, 1952)
Ben Mere, Inc. (Sunapee, 1947)

Berlin Auto Sales, Inc. (Berlin, 1969)
Best-Homes, Inc. (Plaistow, 1964)
Beta Industries, Inc. (New London, 1969)
Bexon Restaurant, Inc., The (Epsom, 1969)
Big Scoop, Inc., The (Rye, 1963)
Billie's Beauty Salon, Inc. (Manchester, 1964)
Bilt-Rite, Inc. (Hampstead, 1965)
Birchtoft, Inc. (Jaffrey, 1957)
Bisbee & Randall Associates, Inc. (Nashua, 1967)
Bissonnette Laundromat, Inc. (Berlin, 1968)
Bissonnette Paint Store, Inc. (Berlin, 1969)
Bissonnette Realty, Inc. (Berlin, 1968)
Blair, R. A., & Son, Inc. (Plaistow, 1969)
Blueberry Hill, Inc. (Concord, 1967)
Blue Flame Gas Corporation (Haverhill, 1968)
Bockmon Mobile Homes, Inc. (Londonderry, 1969)
Boisvert, Leo M., Construction Co., Inc. (Manchester, 1966)
Bon Ton Kiddie Shop, Inc. (Manchester, 1950)
Bonded Storage, Inc. (Keene, 1964)
Boyd's Laundry and Cleaners, Inc. (formerly Franklin Laundries, Inc., Franklin, 1951)
Brackett Industries, Inc. (Gilford, 1967)
Bradford Garage, Inc. (Bradford, 1966)
Brazil, E. A., Inc. (formerly Munsey & Brazil, Inc., Laconia, 1935)
Brentwood Forest Products, Inc. (Brentwood, 1967)
Bretton Woods Caddy Camp, Inc., The (Carroll, 1962)
Brigham-Cook, Inc. (Franklin, 1968)
Bristol Fuel Co., Inc. (Bristol, 1961)
Brochu Pulp, Inc. (Lancaster, 1968)
Brooks Motor Sales, Inc. (Portsmouth, 1946)
Brookwood Park Shores, Inc. (Concord, 1968)
Brown's Concrete Products, Inc. (Haverhill, 1964)
Bruce, John R., & Sons, Inc. (Canaan, 1966)
Bryant Marine Incorporated (Laconia, 1962)
Building Realty, Inc. (Nashua, 1960)
Building Systems, Inc. (Derry, 1969)
Buker Airways Inc. (New London, 1957)
Bundy & Coffin, Inc. (Epping, 1965)
Burke's Diner, Inc. (Hampton, 1967)
Burnew Corporation, The (Keene, 1969)
Burnham Fuel, Inc. (Goffstown, 1962)
Burns Enterprises, Inc. (Nashua, 1968)
Burrows Brothers Construction Company, Inc. (Walpole, 1964)
Business Forms, Inc. (Manchester, 1966)
Busy Bee Donut Shoppe, Inc. (Plaistow, 1969)
Byron & Rhodes Construction, Inc. (Nashua, 1969)
C & B Accounts, Inc. (Exeter, 1969)
C & C Underwriters, Inc. (Concord, 1962)
C. D. & T. Realty Corp. (Nashua, 1967)
C I C, Inc. (Milford, 1968)
Cabinet Headboard, Inc., The (Merrimack, 1968)
Cabot Valley Corporation (Lancaster, 1964)
Cadillac Pools of New Hampshire, Inc. (Goffstown, 1965)
Calendar Realty Corporation (Manchester, 1965)

Callahan Oil Co., Inc. (Hampton, 1956)
Callam Properties, Inc. (Laconia, 1968)
Camelot Homes Inc. (Manchester, 1969)
Camp Merriewoode Inc. (Stoddard, 1963)
Camp Wakuta, Inc. (Conway, 1966)
Campbell, W.W. & Sons, Building Supplies Co., Inc. (Walpole, 1967)
Capitol Furniture, Incorporated (Concord, 1967)
Carbo Construction Co., Inc. (Manchester, 1965)
Career Associates, Inc. (Durham, 1969)
Carmen Automotive Stores, Inc. (Manchester, 1953)
Car-Nu Inc. (Hudson, 1967)
Caron, A. A., Church Goods, Inc. (Manchester, 1965)
Carriage Hill Builders, Inc. (Bedford, 1964)
Carroll County Electrical Service, Inc. (Wolfeboro, 1969)
Carroll Manor, Inc. (Dover, 1969)
Carter Country Club, The (Lebanon, 1923)
Cashin Aviation Inc. (Manchester, 1968)
Casino Market, Inc., The (Hampton, 1935)
Castle Home Improvement Company, Inc. (Laconia, 1968)
Caswell Realty, Inc. (Claremont, 1961)
Cata Corporation, The (Ashland, 1966)
Cattleman's Meats of New Hampshire, Inc. (Manchester, 1969)
Cedar Hill Homes, Inc. (Nashua, 1966)
Cedar Realty, Inc. (Manchester, 1958)
Centre Realty Corporation (Bedford, 1963)
Chambers, C. R., Co., Inc. (Concord, 1967)
Champ. Realty, Inc. (Manchester, 1953)
Champagne's Foundation, Inc. (Manchester, 1954)
Chanticleer Motor Inn, Inc. (Gilford, 1965)
Char-Mar Custom Kitchens, Inc. (Nashua, 1967)
Chatham Woods Camp Inc. (Concord, 1959)
Chef Restaurant, Inc., The (Manchester, 1968)
Chem-Gas of N. H., Inc. (Kingston, 1968)
Cherub Corporation, The (Concord, 1969)
Cheshire Thoroughbred Racing Association, Inc. (Keene, 1961)
Chevey Hill, Inc. (formerly Northern Utilities, Inc., Concord, 1968)
Chi-Yin Realty Corporation (North Hampton, 1961)
Chongris Associates, Inc. (Atkinson, 1969)
Christensen & Jalbert, Inc. (Dover, 1960)
Cinderella Beauty Salon, Inc. (Salem Depot, 1963)
Circuit Lines, Inc. (Nashua, 1969)
Claremont Television, Inc. (Claremont, 1960)
Colony Sales Corporation (Barnstead, 1966)
Colony Shop, Inc., The (Keene, 1956)
Commerce Incorporated (Lebanon, 1966)
Component & Equipment Sales Corporation (Nashua, 1967)
Computer Economics, Inc. (Danbury, 1965)
Concord Foods, Inc. (Concord, 1964)
Concord Granite Corporation (Concord, 1934)
Concord Hardware Company, Inc., The (Concord, 1955)
Concord Press, Inc., The (Concord, 1949)
Coney, Richard J., Inc. (Franconia, 1969)
Consolidated Plumbing, Heating & Tile, Inc. (formerly Consolidated Plumbing & Heating, Inc., Bedford, 1967)
Consumer Food Service, Inc. (West Lebanon, 1968)

Continental Development of Bedford, Inc. (Bedford, 1967)
Contoocook Valley Enterprises, Inc. (formerly New Hampshire Telephone Corporation, Hillsborough, 1966)
Coop, Inc., The (formerly Fray's, Inc., formerly The Coop, Inc., Durham, 1961)
Cooperative Homes, Inc. (Nashua, 1962)
Copper Lantern Restaurant, Inc., The (Hillsborough, 1964)
Copy Corner, Inc. (Concord, 1965)
Corey, A. C., Inc. (Nashua, 1964)
Corless-Retherford, Inc. (Salem, 1963)
Cormier, R., Excavating Co., Inc. (formerly Cormier and Bouchard Excavating Company, Inc., Rochester, 1958)
Cote Building Contractors, Inc. (formerly Lemay and Cote Building Contractors, Inc., Manchester, 1966)
Cote-Lincoln Mercury, Inc. (formerly Kenneth G. Edwards, Inc., Portsmouth, 1954)
Cottage Grill, Inc. (Hampton Beach, 1953)
Countryman, Incorporated, The (Wolfeboro, 1967)
Courtland Homes, Inc. (Manchester, 1964)
Coussoule Corp. (Portsmouth, 1967)
Cragg Bindery, Inc. (Concord, 1949)
Creative Playlands, Inc. (Moultonboro, 1969)
Credit Arrangers of New Hampshire, Inc. (Portsmouth, 1967)
Cressey Realty, Inc. (North Conway, 1962)
Crowley, C. Justin, Enterprises, Inc. (Nashua, 1969)
Crown Realty Corporation (formerly Crown Theatre Realty Corporation, Manchester, 1930)
Crown S, Incorporated (Nashua, 1968)
Crystal Lake Inn, Inc. (Manchester, 1969)
Currier & Richards, Inc. (Berlin, 1969)
Curtis, Bob, Inc. (Nashua, 1961)
Curt's Auto Sales, Inc. (Nashua, 1968)
Custom Seamless Floors, Inc. (Manchester, 1964)
Cybernetics Corporation (Manchester, 1965)
Cyclomaster Co., Inc. (Madbury, 1960)
D & D Realty, Inc. (Nashua, 1961)
D & J Erectors, Inc. (Kingston, 1967)
D & J Realty Corporation (Derry, 1964)
D & L Drywall Construction Inc. (Jaffrey, 1968)
DMB Realty, Inc. (Thornton, 1969)
D.M.P. Corp. (Londonderry, 1968)
D-Mec Corporation (Nashua, 1969)
D R S Builders, Inc. (Derry, 1969)
Daily Wear Corporation (Manchester, 1953)
Daisy Cleaners and Shirt Launderers, Inc. (Salem, 1961)
Dajo Enterprises Inc. (Hillsborough, 1967)
Dale-Craft, Inc. (Keene, 1955)
Dana Construction Company, Inc. (North Hampton, 1963)
Dana Place Corporation, The (Jackson, 1966)
Darlene Knitwear, Inc. (Manchester, 1953)
Darlene Swimwear of California, Inc. (Manchester, 1958)
Data Dynamics Corp. (Londonderry, 1969)
Davco Machine Company, Inc. (Keene, 1967)
Davis Drug Co., Inc. (Concord, 1965)

Davis & Sheppard Window and Screen Co., Inc. (Nashua, 1969)
Davis Tool Co., Inc. (Laconia, 1953)
Dealer Service Corp. (Nashua, 1964)
DeBlois Trucking, Inc. (Manchester, 1969)
DeCesare Construction Company, Inc. (Salem, 1968)
Deep River Restaurant Corp. (Plymouth, 1968)
Deerhaven Development Corporation (North Conway, 1967)
Deerwood Acres Corp. (Amherst, 1968)
DEF. Co., Inc. (Manchester, 1968)
Delina Realty Corp. (East Kingston, 1965)
Delirama, Inc. (Manchester, 1961)
DellaJacova Construction Co. Inc. (Kingston, 1965)
Delta Electrical Co., Inc. (Salem, 1969)
De Marais, Tom, Company, Inc. (Hampstead, 1963)
Demers, L., Inc. (Stratham, 1966)
Dependable Auto & Truck Lease Corp. (Salem, 1969)
Derryfield Motors, Inc. (Manchester, 1963)
Dersave, Inc. (Derry, 1962)
DesJardins, G and M, Corporation (Keene, 1965)
Develatron Corporation (Portsmouth, 1960)
Diana Travel Service, Inc. (Manchester, 1970)
DiLuzio Realty Co. Inc. (Keene, 1963)
Dino's Horseshoe Restaurant, Inc. (Keene, 1968)
Discount Home Improvement, Inc. (North Salem, 1964)
Display Sciences, Inc. (Manchester, 1969)
Diversified Distributors, Inc. (Durham, 1962)
Diversified Pool Center, Inc. (Portsmouth, 1968)
Dix Machine Corporation (North Charlestown, 1960)
Doc's Cabins, Inc. (Lebanon, 1965)
Dodge-Freedman Poultry Company (Concord, 1942)
Dodge Grain Co., Inc. (Salem, 1958)
Dolly Meadows Corporation (Hopkinton, 1967)
Dostilio Realty Company, Inc. (Keene, 1959)
Dotti of Durham Ltd., Inc. (Nashua, 1964)
Double D Mobile Park, Inc. (Sanbornville, 1969)
Douglas Houses Inc. (formerly Douglas Panels, Incorporated, Epsom, 1961)
Dover Inn & Tavern, Inc. (Dover, 1969)
Dover News Company, Inc. (Dover, 1961)
Downing's Garage, Incorporated (Littleton, 1935)
Draper Transportation, Inc. (Milford, 1959)
Dream's Travel Plan, Inc. (Salem, 1968)
Duff Mfg. Corporation (Milford, 1954)
Dunes Motor Inn, Inc. (Rye Beach, 1965)
Dungey Realty Ltd., Inc. (Dover, 1963)
DunRoamin Riding Academy, Inc. (Andover, 1963)
Durham Resident Advertiser, Inc. (Durham, 1958)
Duxbury Homes, Inc. (Merrimack, 1966)
Dwyer Paving, Inc. (Hudson, 1965)
Dynatron Development Corporation (Derry, 1952)
EDJE, Inc. (Swanzey, 1963)
E. & G. Finance Corporation (Claremont, 1965)
E & G Television Sales Co., Inc. (Claremont, 1953)
E. & J. Land Development, Inc. (Nashua, 1967)
E L B Corporation (Nashua, 1965)

Eagle Hotel Inc. (Keene, 1954)
Eagle Rock Wool Insulation Co. of New Hampshire (Concord, 1937)
Eagle Tile and Marble Corp. (Atkinson, 1966)
Eagle Wood Products Inc. (Haverhill, 1965)
East Kingston Land Corporation (Exeter, 1968)
Eastern Construction Corp., The (Manchester, 1966)
Eastern Investment Corporation (Manchester, 1961)
Eastern Screw Company, Inc. (Nashua, 1966)
Eastern Tractor & Equipment Corp. (Concord, 1968)
Eastern Training of N. H., Corp. (formerly Eastern Training Corp., Nashua, 1969)
Ebony, Inc. (Nashua, 1967)
Economy Consolidators, Inc. (formerly Studley Associates, Inc., formerly A & R Service Garage, Inc., Manchester, 1951)
Economy Homes, Inc. (Londonderry, 1969)
814 Elm Street, Inc. (Manchester, 1966)
Eight Thirty-Nine Elm Street, Inc. (Manchester, 1951)
Eldeen, Inc. (Salem, 1963)
Eli, Peter, Motors, Inc. (Dover, 1968)
Eli Wentworth, Inc. (Dover, 1968)
Elmwood Realty, Inc. (Keene, 1958)
Empire Equipment Corp. (Pelham, 1969)
Empress Shoe Corporation (formerly Empress Shoe Company, Inc., Derry, 1964)
Engineered Structures, Inc. (Nashua, 1960)
Eno Brick Corporation (Exeter, 1961)
Eno Supply Corporation (Exeter, 1961)
Enterprise Associates, Inc. (Manchester, 1959)
Erik Enterprises, Inc. (Manchester, 1969)
Esposito Associates, Inc. (Dover, 1969)
Eugene Sales Corporation (Concord, 1969)
Euler & Littlefield, Prof. Ass'n. (Dover, 1969)
Ev's Ski School, Inc. (Andover, 1960)
Executive Business Machines, Inc. (Manchester, 1969)
Exeter Machine Products Corp. (Exeter, 1969)
Exeter Villa, Inc. (Exeter, 1968)
F. I. F. Entertainment, Inc. (Hillsborough, 1969)
Family Debt Counselors, Inc. (Manchester, 1968)
Family Drugstore, Inc. (Derry, 1959)
Fedco Food Fair, Inc. (Derry, 1968)
Field Crafts, Inc. (Newbury, 1956)
Fiesta Enterprises, Inc. (Nashua, 1968)
Findings of Puerto Rico, Inc. (Keene, 1968)
Finks Farms, Inc. (West Hampstead, 1969)
First Construction Corp. (Manchester, 1961)
First Mortgage Company of New England, Inc. (Londonderry, 1969)
Fitch, A. Perley, Company (formerly A. P. Fitch Company, Concord, 1914)
Five Star Realty, Inc. (Nashua, 1967)
Fivers, Inc., The (Dover, 1968)
Flat Rock Skiway, Inc. (Claremont, 1964)
Flavor-Fresh of Franklin, Inc. (Franklin, 1961)
Fleetwood, Inc. (Derry, 1967)
Flip, Inc. (Carroll, 1962)

Florence Realty Co., Inc. (Manchester, 1950)
Flying Yankee Publishers, Inc. (Orford, 1967)
Flynn, David, Inc. (Dover, 1969)
Fogg, C. W., Realty, Inc. (Swanzey, 1968)
Foley's Masonry Construction, Inc. (Manchester, 1958)
Food Engineering Corporation (Manchester, 1949)
Forest Lands, Inc. (Plymouth, 1953)
Four Acre Realty, Inc. (Hollis, 1968)
Four Seasons Land Corporation (Manchester, 1969)
Four Seasons Motor Sports, Inc. (Lee, 1968)
Four Seasons Recreational Properties of New Hampshire Incorporated
(Milton Mills, 1969)
14 South Street, Inc. (formerly Dahlgren Ekstrom, Inc., Concord, 1953)
Fran-El, Inc. (New Boston, 1968)
Frank Enterprises, Inc., (Bedford, 1968)
Franklin Properties, Inc. (Tilton, 1967)
Fran's Kindergarten, Inc. (Newington, 1969)
Freckles, Inc. (Newbury, 1968)
Fredby Construction Corporation (Salem, 1965)
Fredken Enterprises, Inc. (Portsmouth, 1967)
Freedom Acres Mobile Estates, Inc. (Hinsdale, 1968)
Freedom Stores, Inc. (Freedom, 1959)
French Brothers Beef Company, Inc. (Hooksett, 1948)
Fronia Shoe Company, Inc. (Dover, 1955)
Frost, P. C., Sheet Metal Corporation (Manchester, 1968)
G.A.S. Bird Inc. (Portsmouth, 1969)
G. S. and A. Realty Inc. (Hampstead, 1963)
Gables Inn, Inc., The (North Conway, 1963)
Garlonis Land Development, Inc. (Pelham, 1969)
Garrison City Floor Cleaners, Inc. (Dover, 1965)
Garrison T. V., Inc. (Dover, 1968)
Gasonics Corporation (Kearsarge, 1968)
Gaspé-B & H Corporation (Windham, 1963)
Gateway Lodge, Inc. (Wilton, 1968)
General Auto Sales, Inc. (Claremont, 1957)
General Glass, Inc. (Keene, 1965)
General Management, Inc. (Meredith, 1968)
General Products Laboratory of N. H., Inc. (Nashua, 1969)
General Thermal Controls Inc. (Bartlett, 1965)
Giant Home Improvement Center of Penacook, Inc. (Penacook, 1969)
Gil Enterprises, Inc. (Nashua, 1967)
Gilson Road Realty, Inc. (Nashua, 1960)
Gilsum Home, Inc., The (Gilsum, 1965)
Gino Heavy Construction Corporation (Nashua, 1969)
Giroux, Guy H., Construction Co., Inc. (Londonderry, 1967)
Glencrest, Inc. (Dover, 1946)
Glendale Homes, Inc. (Hampstead, 1958)
Glendale Marine Sales & Service, Inc. (Glendale, 1957)
Glenn's Supermarket, Inc. (Plaistow, 1959)
Globe Heavy Equipment Corp. (Hudson, 1969)
Good-Eats Shoppe, Inc., The (Hudson, 1965)
Goodman Realty Corp. (Nashua, 1956)
Goodnow Bros. Co. (East Jaffrey, 1915)
Goodridge, Parsons, Inc. (Lee, 1969)

Gossco, Inc. (Manchester, 1956)
Goudreault's Car Sales, Inc. (Plaistow, 1966)
Gowen Construction Company, Inc. (Newmarket, 1967)
Goyette Museum of Americana, Inc. (Peterborough, 1963)
Grafton Poultry and Egg, Inc. (Grafton, 1968)
Granite Acceptance Corporation (Claremont, 1945)
Granite Flush Door Corp. (Manchester, 1951)
Granite Motors, Inc. (Salem, 1965)
Granite State Transportation, Inc. (Concord, 1964)
Granite State Welding Co., Inc. (Franklin, 1969)
Graphic Printing, Inc. (Nashua, 1968)
Gray, Charlie, Agency, Inc., The (Portsmouth, 1961)
Gray Ledges Charolais, Inc. (Grantham, 1967)
Great Northern Industries Inc. (Milton, 1965)
Greenrock Commercial Agency, Inc. (Manchester, 1966)
Gross, R. C., Inc. (Derry, 1969)
Guay's Pontiac, Inc. (formerly Guays' Garage, Inc., West Franklin, 1947)
Gunn-Stock Stables, Inc. (Concord, 1968)
Gunstock Acres Association, Inc. (Laconia, 1965)
Gunstock Development Corp. (Gilford, 1967)
Gunstock Sales Corp. (Gilford, 1967)
Guys and Gals of Manchester, Inc. (Manchester, 1969)
Guys and Gals of Nashua, Inc. (Nashua, 1969)
H & D Machinery, Inc. (East Hampstead, 1968)
H and L Enterprises, Incorporated (Somersworth, 1969)
H M V Inc. (Londonderry, 1969)
H. R. & D. Enterprises, Inc. (Dover, 1968)
Hall-Stewart Real Estate, Inc. (Manchester, 1969)
Hammond, R. D., Enterprises, Inc. (Nashua, 1968)
Hampshire Homes, Inc. (Plaistow, 1958)
Hampshire Manor, Incorporated (Milford, 1970)
Hampshire Manor, Inc. (S. Lyndeboro, 1962)
Hampshire Mills, Inc. (Manchester, 1950)
Hampton Craftsman Gift Shop, Inc. (Hampton Beach, 1968)
Hampton Hardware Company, Inc. (Hampton, 1965)
Hampton Metal Shop, Inc. (Hampton, 1957)
Hanson, R. C., Inc. (Manchester, 1968)
Happy Hour Restaurant, Inc. (Tilton, 1968)
Harbinger International, Inc. (Concord, 1966)
Har-Lou Construction, Inc. (Tilton, 1967)
Harnedy Food Fair, Inc. (Goffstown, 1968)
Harris, Robert, Company, Inc. (Woodsville, 1966)
Hartford Laboratories Inc. (Manchester, 1965)
Harvey's Food Fair, Inc. (Goffstown, 1969)
Hassett's Inc. (Portsmouth, 1962)
Hathaway House, Inc. (Laconia, 1957)
Havermass Chicks, Inc. (Kingston, 1967)
Hawk Lake Development Inc. (Laconia, 1964)
Heather Shop, Inc. (Lebanon, 1963)
Heights Sunoco, Incorporated (Concord, 1969)
Hennigar Builder's, Inc. (Derry, 1966)
Henson Rental Corp. (Portsmouth, 1968)
Heon Brothers Construction, Inc. (Manchester, 1968)
Hidden Cove, Inc. (Laconia, 1968)

High Noon Cafe, Inc. (Franklin, 1968)
Highlander Center, Inc. (Lebanon, 1969)
Highlander Restaurant Corporation (Hooksett, 1968)
Hillcrest Distributors, Inc. (Manchester, 1957)
Hillsboro Distributors, Inc. (Nashua, 1968)
Hillsborough Entertainment, Inc. (Hillsborough, 1966)
Hillsborough Finance Company, Inc. (Manchester, 1952)
Hobby Products, Inc. (Peterborough, 1966)
Hodgdon, C. N., Company (Berlin, 1908)
Hodgdon Gas Company, Inc. (Berlin, 1960)
Hodge, Fred M., Insurance Agency, Inc. (Manchester, 1967)
Hodges, Inc. (Holderness, 1956)
Hoitt, C. A., Co., Inc. (Manchester, 1946)
Hoitt, Chas. A., Company (Manchester, 1925)
Holiday Flying Service, Inc. (Milan, 1966)
Holiday Ridge, Inc. (Bartlett, 1967)
Hollis Development Corporation (Hollis, 1959)
Holt, Paul, Inc. (formerly Winer's Boot Shop Inc., Nashua, 1934)
Homan Hosiery Company, Inc. (Manchester, 1967)
Hooksett Finance Corporation (Hooksett, 1963)
Hooksett Finance, Inc. (Hooksett, 1963)
Hooksett Welding School, Inc. (Hooksett, 1968)
Hoopis Food Fair, Inc. (Hampton, 1967)
Hopeco Realty Corp. (Manchester, 1968)
Hosts! (Concord, 1966)
Hotchkiss, Gardner H., Inc. (Manchester, 1964)
Hotel Kimball, Inc. (Dover, 1966)
Hotel Rochester, Inc. (Rochester, 1969)
Howard Builders, Inc. (Hampstead, 1963)
Hoyt, W. H., Inc. (Hooksett, 1959)
Hudson Picture Frames, Inc. (Nashua, 1966)
Hudson Pump Corp. (Hudson, 1968)
Hudson Sports Car Village, Inc. (Hudson, 1969)
Hudson Trailer Manufacturing, Inc. (Hudson, 1969)
Hundred And Ten Club, Inc., The (Manchester, 1966)
Hurricane Road Corp. (Keene, 1967)
I. R. Development Corp. (Barrington, 1968)
Imaging Systems, Inc. (Nashua, 1964)
Imperial Car Wash, Inc. (Nashua, 1968)
Importiques, Inc. (Nashua, 1969)
Improved Concrete Corporation (Manchester, 1965)
Indianhead Builders Supply, Inc. (Hampstead, 1960)
Indianhead Construction Co., Inc. (Nashua, 1961)
Industrial Design Associates, Inc. (Nashua, 1967)
Ingbro Holding Corporation (Contoocook, 1969)
Insurance and Equity Planning, Inc. (Loudon, 1969)
Inter/Form Associates Incorporated (Franconia, 1969)
Interlakes Gas Service, Inc. (Center Harbor, 1968)
International Ski Sport, Inc. (Hanover, 1955)
Interstate Engineering, Inc. (Laconia, 1969)
Investors Five, Inc. (Dover, 1966)
Investrix Inc. (Laconia, 1964)
Ioka Theatre, Inc. (Exeter, 1964)
Irish Pub, Inc. (Durham, 1969)
J. B.'s Shometown Inc. (Dover, 1968)

JET Realty Corporation (Nashua, 1968)
J & J Theatres, Inc. (Littleton, 1960)
J L L Corp. (Salem, 1968)
J & P Distributors, Inc. (Keene, 1967)
Jay-Bee Food Fair, Inc. (Exeter, 1967)
Jay's Plumbing and Heating, Inc. (Manchester, 1969)
Jeff's Snack Bar, Inc. (Laconia, 1966)
Jennco Construction, Inc. (Madbury, 1969)
Jodi Shoe Co., Inc. (Derry, 1960)
Johnnie's Auto Body, Inc. (Nashua, 1968)
John-Scott Corporation (Bedford, 1967)
Johnson Bros. Sales & Service, Inc. (Keene, 1966)
Johnson & Whitman Communications, Inc. (Hanover, 1968)
Julia Victoria, Inc. (Center Ossipee, 1969)
K. B. S. Enterprises, Inc. (Rochester, 1969)
K & K Welding, Inc. (Salem, 1968)
K-L Food Systems, Inc. (Manchester, 1964)
K M H Corporation (Franklin, 1957)
Kagey-Frink Instrumentation, Inc. (Manchester, 1967)
Kancamagus Estates, Inc. (Albany, 1969)
Kane Finance Company of New Hampshire, Inc. (Manchester, 1961)
Kapa, Inc. (Dover, 1966)
Kaytee Hosiery Mill, Inc. (Franklin, 1953)
Keene Clocks, Inc. (formerly Rossdale, Inc., Keene, 1967)
Keene Export-Import, Inc. (formerly Keene Office Services, Inc., Keene, 1964)
Keene Furriers, Inc. (Keene, 1958)
Keene Warehousing & Storage, Inc. (formerly Laplant Moving & Storage, Inc., Keene, 1964)
Kelley-Barrett Insurance Agency, Inc. (formerly Kelley Insurance Agency of Littleton, N.H., Inc., Littleton, 1963)
Kelly, Emmitte, Inc. (New Castle, 1969)
Kelley's Super Market, Inc. (Manchester, 1964)
Kelloway Motor Co., Inc. (Keene, 1969)
Kendrick & Davis Co. (Lebanon, 1909)
Kenford Engineering Co., Inc. (Plaistow, 1965)
Kenrose Inc. (Hollis, 1969)
Kent Enterprises, Inc. (Littleton, 1968)
Kina Studios, Inc. (Dover, 1968)
King Kong Automotive, Inc. (Laconia, 1968)
Kingsgate Country Apartments, Inc. (Londonderry, 1968)
Kingston Ideas Company, Inc. (formerly Hanco, Inc., Kingston, 1964)
Kniager, M., & Son, Inc. (Manchester, 1950)
Koromilas Associates, Incorporated (Dover, 1959)
Kramer Construction Co., Inc. (Chesterfield, 1966)
Krazy Kone, Inc. (Lee, 1969)
L-C-L, Inc. (Amherst, 1968)
L & L Construction Corp. (Exeter, 1964)
L and M Inn, Inc. (Sanbornton, 1969)
L. N. L., Inc. (Nashua, 1962)
L.P.H. Inc. (Manchester, 1960)
L.S.L. Realty Corporation (Manchester, 1966)
L & S Land Development Corporation (Bedford, 1968)

- Laconia Drug Store, Inc. (formerly Laconia Drug Co., Inc., Laconia, 1940)
- Laflamme Trucking, Inc. (West Stewartstown, 1967)
- Lake Avenue Bakery, Inc. (Manchester, 1963)
- Lake Front Development Corp. (Laconia, 1964)
- Lakes Region Bowling Lanes, Inc. (Gilford, 1968)
- Lakes Region Playhouse, Inc. (Gilford, 1959)
- Lakes Region Rural Gas Service, Inc. (Moultonborough, 1968)
- Lamar Realty, Inc. (Merrimack, 1968)
- Lambrou Motors, Inc. (Manchester, 1965)
- Lamson Construction Co., Inc. (Merrimack, 1963)
- Lancaster Development Corporation (Lancaster, 1962)
- Lancaster Footwear Corporation (formerly Modern Heel Company, Inc., Lancaster, 1955)
- Land Lubber, Inc., The (Manchester, 1967)
- Land & Sea Gravel & Construction Co., Inc. (Portsmouth, 1967)
- Landholder's Inc. (Gilmanton, 1967)
- Landomac Corp. (Derry, 1969)
- Lane/Twaddell Associates, Inc. (Hopkinton, 1969)
- Larson & Carlson, Inc. (Concord, 1929)
- Laser Alignment of New Hampshire, Inc. (Concord, 1969)
- Laugh-In Restaurant Corp. of New Hampshire, Inc. (Manchester, 1969)
- Lawrence Elevator Co., Inc. (Hollis, 1962)
- Leary Ski Corporation, Inc. (Fitzwilliam, 1968)
- LeBlond's Taxi, Inc. (Manchester, 1964)
- LeClair Lumber, Inc. (North Stratford, 1969)
- Lee Enterprises, Inc. (Salem, 1967)
- Leemark Contractors, Inc. (Manchester, 1967)
- Legere, Emile J., Real Estate, Inc. (Swanzy, 1969)
- Lelar Realty Company, Inc. (Goffstown, 1968)
- Les-Val Corp. (formerly Nim-Cor, Inc., Nashua, 1961)
- Letarn Industries, Inc. (Salem, 1969)
- Letourneau Services, Inc. (Rochester, 1968)
- Levins Enterprises, Inc. (formerly Queens Kiddie Center Inc., Manchester, 1946)
- Levy, William G., Inc. (formerly Yield House, Inc., Conway, 1956)
- Lexington Manor, Inc. (Concord, 1963)
- Life Associates, Inc. (formerly Allen & Jalbert Associates, Inc., Dover, 1966)
- Little Bill 33 Flavors Stores of New England, Inc. (Wolfeboro, 1967)
- Littleton Go Kart Raceway, Inc. (Littleton, 1960)
- Littleton Ski Train Corporation (Littleton, 1969)
- Lockwood, R. H., Company, Inc. (Manchester, 1948)
- Lombardo Motors, Inc. (Manchester, 1968)
- Londonderry Air Corp. (Londonderry, 1969)
- Long Island Marina, Inc. (Moultonborough, 1963)
- Longview Terrace, Inc. (Sunapee, 1967)
- Lougee-Robinson Company, Inc. (Laconia, 1946)
- Louie's Diner, Inc. (Manchester, 1962)
- Lovell, C. P., Inc. (Nashua, 1962)
- Lozeau City Dairy, Inc. (formerly Lozeau Ideal Dairy, Inc., Nashua, 1964)
- Lufan Associates, Inc. (Manchester, 1968)
- Lumber Manufacturers of N.H. Inc. (Madison, 1966)
- Lynn Leathers, Inc. (Dover, 1965)

MacArthur, R. S., Associates, Inc. (Randolph, 1970)
Mac-Brad Corporation (Portsmouth, 1967)
MacDonald, Scott, Contracting Company, Inc. (Newton, 1964)
Mac Four Ltd., Inc. (North Conway, 1969)
McBride's Laboratory & Surgical Supply of New England, Inc. (Manchester, 1967)
McCallum Motors, Inc. (Hudson, 1968)
McEwan Electrical Corporation (Jaffrey, 1965)
McGranaghan Transportation, Inc. (Lebanon, 1966)
McGrath Plumbing & Heating, Inc. (Center Harbor, 1968)
M. C. Distributing Co., Inc. (Manchester, 1967)
M. D. M. Co., Inc. (Claremont, 1960)
M & H Management Corp. (Concord, 1969)
M.K.M. Knitting Mills, Inc. (Formerly Bee-Dee Knitting Mills, Inc., Manchester, 1941)
M. O., Inc. (Milford, 1969)
MVR Transonics Corp. (Lee, 1968)
Magalloway Enterprises, Inc. (Derry, 1969)
Mahler Corporation of New Hampshire, Inc. (Concord, 1969)
Malvena Laboratories, Inc. (Nashua, 1969)
Manchester Atlas Company, Inc. (Manchester, 1961)
Manchester Shrine Club (formerly Manchester Shrine Club, Inc., Manchester, 1959)
Manhaver, Inc. (Dover, 1969)
Maple Street Center, Inc. (Manchester, 1963)
Marajon Realty, Inc. (Keene, 1966)
Marblehead Associates, Inc. (Salem, 1966)
Marco Company, Inc. (Nashua, 1960)
Mar-Con Corp. (Gilford, 1968)
Marett Furniture Company, Inc. (Dover, 1944)
Margo Lyn, Inc. (Plaistow, 1961)
Marilyn-Montreal Hotels, Inc. (Hampton Beach, 1967)
Mark Construction, Inc. (Pelham, 1968)
Mark S. Realty, Inc. (Derry, 1966)
Mark's Super Shell, Inc. (Nashua, 1969)
Marlew & Company, Inc. (Portsmouth, 1949)
Master Leasing, Inc. (Concord, 1967)
Materials Handling Engineered Services, Inc. (Laconia, 1967)
Mathews, S. & H., Inc. (Portsmouth, 1964)
Maverick Woodworking, Inc. (Nashua, 1966)
Meadowlark Builders Inc. (Bedford, 1968)
Medico-Legal Research Service, Inc. (Ashland, 1963)
Meredith Auto Body Corp. (Meredith, 1968)
Meredith Bay Boat Sales, Inc. (formerly Meredith Trojan Sales, Inc., Meredith, 1966)
Meredith Marine Construction, Inc. (Meredith, 1968)
Merrill Industries, Inc. (North Hampton, 1969)
Merrimack Aluminum Co., Inc. (Manchester, 1965)
Merrimack Food Services, Inc. (Nashua, 1969)
Merrimack Fruit, Inc. (Manchester, 1968)
Merrimack Improvement Co., Inc. (formerly Merrimack Oil Co., Inc., Pembroke, 1964)
Merrimack Sales, Inc. (Manchester, 1966)
Merrimack Shoe Products Inc. (Merrimack, 1966)
Merrimack Valley Electronics, Inc. (Hillsborough, 1968)

Merrimack Valley General Agency, Inc. (Manchester, 1963)
Merrimack Valley Health Club of Manchester, Inc. (Manchester, 1968)
Michael Construction Corp. (Nashua, 1969)
Mickie's Rental Agency, Inc. (Merrimack, 1968)
Mid-Atlantic Lumber, Inc. (Salem, 1969)
Mil Associates, Inc. (Hudson, 1964)
Milden Apothecary, Inc. (Manchester, 1960)
Miller Insulation Distributors, Inc. (North Hampton, 1968)
Mimar Produce Corporation (Goffstown, 1969)
Minit Market, Inc. (Portsmouth, 1959)
Miss Luneau Fashions, Inc. (Dover, 1967)
Modern Housecraft Company, Inc. (Nashua, 1963)
Moderne Shoe Corporation (Nashua, 1965)
Mohawk Development Corporation (Nashua, 1966)
Mohawk Millwork Corporation (North Hampton, 1960)
Mohawk Television & Engineering Co. Inc. (Manchester, 1957)
Monadnock Food Service, Inc. (Keene, 1968)
Monadnock, Steamtown and Northern Amusement, Inc. (Bradford, 1961)
Moore, Walter J., Inc. (Enfield, 1968)
Morneau & Paris, Mason Contractor, Inc. (Salem, 1966)
Morning Glory Motel Court, Inc. (Hampton, 1967)
Morrill Insurance Agency, Inc. (Salem, 1967)
Morris, Philip, & Co. Inc. (Nashua, 1930)
Morse Batchelder, Inc. (Manchester, 1930)
Mountain Land Company (Concord, 1928)
Mountain View Development Corp. (Bristol, 1966)
Mugford, James A., Inc. (formerly James A. Mugford Enterprises, Inc., Keene, 1959)
Music & Sound Center, Incorporated (Wolfeboro, 1966)
Mutual Credit Corporation (formerly Keene Investment Corporation, Keene, 1959)
Mycko Contractors, Inc. (Berlin, 1968)
N C S Painting Co., Inc. (Laconia, 1968)
N.R.I., Inc. (formerly Northern Reinforcements, Inc., Exeter, 1966)
Nagrom, Inc. (Laconia, 1969)
Nashoba, Inc. (Concord, 1966)
Nashua Atlas Co., Inc. (Nashua, 1961)
Nashua City News Market, Inc. (Nashua, 1955)
Nashua Fiberglass Company, Inc. (Nashua, 1964)
Nashua Transfer and Storage Company, Inc. (Nashua, 1964)
National Cutting Die Corporation (Manchester, 1950)
National Directory Co., Inc. (Laconia, 1969)
National Distributors, Inc. (Nashua, 1963)
National Improvement Co., Inc. (Dover, 1968)
National Investments Incorporated (Laconia, 1968)
National Land and Development Co., Inc. (Concord, 1967)
Nationwide Tippers, Inc. (Nashua, 1968)
Navillus Air, Inc. (Keene, 1969)
Neil Lumber, Inc. (West Stewartstown, 1969)
New England Clearing House, Inc., The (Lyme, 1969)
New England Landscaping Company, Inc. (New Ipswich, 1966)
N. E. Poultry, Inc. (Gonic, 1966)
New England Realty Agency, Inc. (Hopkinton, 1950)
New England Recreation Vehicle Dealer Association, Inc. (Nashua, 1969)

New England Sidco, Inc. (Francestown, 1966)
New England Wash Wells, Inc. (Windham, 1968)
New Hampshire Better Business Bureau, Inc. (Manchester, 1968)
N.H. College of Accounting & Commerce, Inc. (Manchester, 1960)
New Hampshire Concrete Corporation (Barnstead, 1960)
New Hampshire Condominium Corporation (Manchester, 1968)
New Hampshire Cruiser Rentals, Inc. (Nashua, 1961)
N.H. Dental Supply Co., Inc. (Manchester, 1967)
New Hampshire Educational Testing Consultants, Inc. (Nashua, 1969)
New Hampshire Fruit Company (Nashua, 1929)
N.H. Label Processing Corporation (Pittsfield, 1947)
New Hampton Development Corporation (Laconia, 1965)
New Ipswich Camping Area, Inc. (New Ipswich, 1965)
Newbury Associates, Inc. (Moultonborough, 1968)
Newport Ready-Mix, Inc. (Newport, 1959)
News Realty Corporation (Dover, 1966)
News Spot Inc., The (formerly Wayne-Phares Corp., Lebanon, 1954)
Newton Construction Co., Inc. (Newton, 1965)
Nichols Incorporated (formerly Nichols Poultry Farm, Brunswick, Maine, 1924)
Norma Enterprises, Inc. (formerly Yankee Shoemakers, Inc., The, Newmarket, 1946)
Normand's Repair, Inc. (Berlin, 1964)
Norm's Electric Service, Incorporated (Franklin, 1968)
North American Plumbing & Heating Supply Corp. (Hollis, 1967)
North Country Catering Service, Inc. (Littleton, 1965)
North Country Swift Homes, Inc. (Wolfeboro, 1962)
Northair Lines, Inc. (Laconia, 1966)
Northeast Design and Development Corporation (Derry, 1966)
Northeast Frozen Foods Co., Inc. (formerly New England Frozen Foods Co., Inc., Durham, 1960)
Northeast Leather Corp. (Raymond, 1960)
Northeast Millwork, Inc. (Dover, 1969)
Northeastern Realty Inc. (Nashua, 1957)
Northern Damage Appraisers, Inc. (Berlin, 1966)
Northern Fidelity Funds, Inc. (Manchester, 1964)
Northern Lites, Inc. (Conway, 1969)
Northern Tier Associates, Inc. (Durham, 1969)
North Hampton Glass & Mirror Co., Inc. (North Hampton, 1969)
North Hampton Motors, Inc. (North Hampton, 1968)
Northland Development Corp. (New Hampton, 1964)
North Union Associates, Inc. (Manchester, 1968)
Nutfield Investment Corporation (Derry, 1969)
Nu-Trend Investment Corporation (Jaffrey Center, 1969)
Oberco Trucking, Inc. (Allenstown, 1967)
Octave Associates, Inc. (Manchester, 1956)
Octopus Sales Company, Inc. (Nashua, 1968)
Okay Motor Sales, Inc. (Manchester, 1965)
Olde Appleby, Inc. (Londonderry, 1967)
Old Country Store, Inc., The (Moultonboro, 1954)
Old County Court, Inc. (Plaistow, 1960)
Ole Rock Drive-In Theatre, Inc. (Salem, 1962)
Oliver Development Corporation (Nashua, 1968)
Oneco Corporation, The (Rye, 1969)
Orr Realty Corporation (Londonderry, 1969)

Owl's Eye Enterprises, Inc. (Milan, 1969)
PAC Inc. (Milford, 1966)
P & B Hotel Corporation (Laconia, 1959)
P & D Company, Inc. (Hampton, 1968)
P-T Enterprises, Inc. (Laconia, 1967)
Paddock Restaurant & Lounge, Inc. (Derry, 1965)
Palace Theatre Realty Company (Manchester, 1918)
Panelized Interiors, Inc. (Nashua, 1967)
Papale, D. John, Inc. (Chesterfield, 1963)
Paquette, Mike, Inc. (Twin Mountain, 1960)
Paquette & Piper Enterprises, Inc. (Center Harbor, 1968)
Parade Products, Inc. (Laconia, 1966)
Paramount Realty, Inc. (Belmont, 1966)
Parker, Bill, & Son, Inc. (North Hampton, 1967)
Park View Realty Corporation (Bethlehem, 1938)
Parti-Tyme Shoppe, Inc. (Nashua, 1966)
Pasquaney Grange No. 266 (Bridgewater, 1950)
Pastime Cue Inc. (Keene, 1968)
Patio Cottages, Inc., The (Carroll, 1957)
Patten, George A., Inc. (Portsmouth, 1965)
Paull Realty, Inc. (Keene, 1968)
Paul's Auto Body Shop, Inc. (Allenstown, 1968)
Paul's Restaurants, Inc. (Salem, 1969)
Paul's Shoes, Inc. (Colebrook, 1967)
Pel-Son, Inc. (Grantham, 1968)
Pembroke Yacht Corporation (formerly Pembroke Boats, Inc., Allenstown, 1955)
Pergatex Corp. of America (Keene, 1963)
Perkins Construction Co. Inc. (Gonic, 1968)
Perras Tree Service, Inc. (Northumberland, 1968)
Perrault and Smith Furniture Company, Inc. (Nashua, 1952)
Personal Realty Service Inc. (Manchester, 1967)
Peter Pan Pancake House, Inc. (North Conway, 1969)
Peterborough Hardware Co., Inc. (formerly Hopkins and Packard, Incorporated, formerly Packard, Inc., Peterborough, 1940)
Peterborough Realty Corp. (Peterborough, 1963)
Peters Paving Co., Inc. (Salem, 1969)
Pete's Auto Body, Inc. (Swanzey, 1967)
Pete's Restaurant, Inc. (Keene, 1963)
Philip Import Export Company, Incorporated (formerly Philip Manufacturing Company, Inc., Manchester, 1962)
Phillips Garage, Inc. (Rochester, 1958)
Phinney Corporation (Amherst, 1957)
Phinney's Television, Incorporated (Salem, 1968)
Photo-Graphics, Inc. (Franconia, 1967)
Pilgrim Homes, Inc. (Reeds Ferry, 1967)
Pine Metal Products Corp. (Nashua, 1964)
Pine Ridge Realty Corp. (Bedford, 1969)
Pine View Mobile Homes, Inc. (Whitefield, 1968)
Pinkham Notch Inn, Inc. (Jackson, 1965)
Pioneer Investment Corporation (Hampton, 1959)
Piper Motor Company of Franklin, Inc. (Franklin, 1966)
Pisani Trailer Sales, Inc. (Gorham, 1968)
Pittsfield News, Inc. (Pittsfield, 1962)
Plaistow Finance Corporation (Plaistow, 1962)

Plaistow Finance, Inc. (Plaistow, 1962)
Plant Enterprises, Incorporated (Holderness, 1955)
Plymouth Dairy, Inc. (Plymouth, 1964)
Ponemah Realty, Inc. (Amherst, 1962)
Porter, Albert H., Inc. (formerly Carman and Porter, Incorporated, Alstead, 1960)
Possum Enterprises, Inc. (Milford, 1968)
Potter Brothers, Inc. (Conway, 1946)
Pottle & Trabucco, Inc. (Keene, 1967)
Precision Textile Products Co., Inc. (Portsmouth, 1968)
Prescott Park, Incorporated (Concord, 1969)
Professional Adjustment Service, Inc. (Concord, 1969)
Profile Bedding Company (Manchester, 1927)
Profile Helicopter Service, Inc. (Amherst, 1967)
Profile Leather Sales, Inc. (Merrimack, 1955)
Proulx, Gordon S., Inc. (Keene, 1953)
Puritan Fence Co., Inc. (Nashua, 1969)
Pur-Sang Engineering, Inc. (Peterborough, 1965)
Quain Enterprises, Inc. (Tilton, 1954)
Quality Trim, Inc. (Merrimack, 1968)
Queen City Tire & Battery Company, Inc. (Manchester, 1964)
Quigley's Service Station, Inc. (Nashua, 1958)
Quint-Town Corp. (Laconia, 1970)
R & D Investment Corp. (Manchester, 1962)
R E F Excavators Inc. (Derry, 1970)
Rf Dynamics, Inc. (formerly B & J Microwave, Inc., Nashua, 1963)
R & G Oil Co., Inc. (Dover, 1968)
R/K Construction, Inc. (Gilmanton, 1967)
R. & N. Realty Co., Inc. (Manchester, 1964)
RRL Investors Corp. (Concord, 1969)
R & S Woodland Ventures, Inc. (Lempster, 1963)
Ralco Corporation (Hooksett, 1957)
Raled Enterprises, Inc. (Derry, 1967)
Ranch Motel & Drive-In, Inc. (Chesterfield, 1963)
Rand, Ball and King Company (Claremont, 1901)
Raymond Corporation, The (Raymond, 1966)
Readmon's, Inc. (Concord, 1961)
Reco Leathers Inc. (Raymond, 1953)
Record Print, Inc., The (Plymouth, 1966)
Red Rose Florists, Inc. (Manchester, 1967)
Regal Stitching Corp. (Nashua, 1969)
Regional Franchise Sales, Inc. (Jaffrey Center, 1969)
Reid's Real Estate, Inc. (Littleton, 1969)
Relt Engineering Corp. (Laconia, 1969)
Remle Leasing, Inc. (Laconia, 1968)
Reo of New Hampshire, Inc. (Manchester, 1949)
Reporter Press, Inc., The (formerly Johnson & Whitman, Inc., Canaan, 1968)
Restaurant Management of Keene, Inc. (Concord, 1967)
Retreading Consultant Services, Inc. (Louisville, Kentucky, 1961)
REVCO Corporation (Manchester, 1969)
Rhodes Crane Service, Inc. (Nashua, 1966)
Rice, M. F., Associates, Inc. (Manchester, 1969)
Richards, E. T., Co., (Londonderry, 1968)
Richardson Agency, Inc. (Dover, 1962)

- Rita, Richard P., Personnel Services of Western New Hampshire, Inc. (Nashua, 1966)
- River Bend Co., Inc. (Exeter, 1969)
- Riverdale Nursing Home, Inc. (Concord, 1967)
- Riverside Auto Service, Inc. (Tilton, 1967)
- Riverside Golf Club, Inc. (Nashua, 1963)
- Riverside, Inc. (Winchester, 1961)
- Riverview Motors, Inc. (Hudson, 1966)
- Roberts, P. M., Inc. (Littleton, 1969)
- Roberts Sales & Leather Co., Inc. (Derry, 1968)
- Rochester Enterprises, Inc. (Rochester, 1961)
- Rochester Motor Sales Co. Inc. (formerly Atlantic Machine & Equipment Corp., formerly Gonic Brick Co. Inc., Rochester, 1948)
- Rockingham Restaurants Corp. (Atkinson, 1965)
- Rocky Brook Motel and Gift Shop, Inc. (Keene, 1967)
- Rocky's Roost, Inc. (Andover, 1967)
- Rodale, Inc. (Keene, 1963)
- Rodd, Major L., & Son, Inc. (Concord, 1960)
- Ro-Lan Builders and Developers Inc. (Merrimack, 1966)
- Rolling Acres Associates, Inc. (Pelham, 1965)
- Ronaldson, E. S., Inc. (East Andover, 1965)
- Rossiter Construction Inc. (Bedford, 1968)
- Royal Furriers, Inc. (Keene, 1959)
- Royal Hampton, Inc. (Hampton, 1965)
- Royal Mark Dairy, Inc. (Belmont, 1965)
- Roylo Inc. (Pittsfield, 1968)
- Royse Enterprises, Inc. (Concord, 1969)
- Ruddy, George E., Professional Association (Concord, 1970)
- Rust Industrial Sales, Inc. (Manchester, 1953)
- Ryan's Moving and Storage, Inc. (Hampton, 1965)
- Rye Products, Inc. (Rye Beach, 1967)
- S D C, Inc. (Hanover, 1963)
- S & G Food Fair, Inc. (Somersworth, 1968)
- S & R Baking Company (formerly Tasty Baking Company, Manchester, 1940)
- S. & R. Realty, Inc. (Nashua, 1966)
- S. T. I., Inc. (Nashua, 1969)
- S. W. Realty Corp. (Claremont, 1967)
- Safari, Inc. (Londonderry, 1969)
- Safe-Buy Real Estate Agency, Inc. (formerly West's Farm Agency, Inc., Concord, 1963)
- Sagamore Realty Development Corporation, Inc. (Portsmouth, 1963)
- Sagamore Sport Center, Inc. (Portsmouth, 1967)
- Sahara Club, Inc. (Manchester, 1970)
- Salem Charcoal Pit Inc. (Salem, 1968)
- Salem Development Corporation (Salem, 1969)
- Salem Engineering & Construction Corp. (Salem, 1964)
- Salem Finance Corporation (Salem, 1960)
- Salem Finance, Inc. (Salem, 1960)
- Salem Snacks, Inc. (Salem, 1968)
- Salemite Heights Corporation (Salem, 1959)
- Salmon Falls Sheet Metal, Inc. (Rochester, 1965)
- Samco Construction, Inc. (Manchester, 1967)
- Sandra Properties, Inc. (Piermont, 1957)

- Sanicot Products Company, Inc. (formerly Sanicot Products, Inc., Manchester, 1931)
San-Rock Corp. (Nashua, 1962)
SanSam Realty and Construction, Inc. (Salem, 1965)
Sargent, Roy, Transport Inc. (Portsmouth, 1967)
Satisfaction, Inc. (Manchester, 1967)
Saucier, Al. & Son, Inc. (Berlin, 1963)
Sawyer Associates, Inc. (Lyndonville, Vermont, 1965)
Sawyer's Electrical Service, Inc. (Boscawen, 1961)
Saxe, A. E., Realty Corp. (Manchester, 1966)
Schneider, Bob, Inc. (Claremont, 1947)
Schroeder, Edwin R., Inc. (Manchester, 1959)
Scott-David Builders, Inc. (Nashua, 1966)
Sea Crest Village, Inc. (formerly Seacrest Village, Inc., Portsmouth, 1964)
Sea Haven, Inc. (Portsmouth, 1968)
Seacoast Aero Club, Inc. (Rye, 1967)
Seacoast Broadcasting Corporation (Portsmouth, 1958)
Seapoint Development Corporation (Portsmouth, 1969)
Seapoint Supply Corporation (Portsmouth, 1969)
Sebeco, Inc. (Merrimack, 1962)
Sensitak Instrument Corp. (Manchester, 1964)
Sensormatic of New Hampshire Inc. (Manchester, 1968)
Service Tire, Inc. (Manchester, 1959)
Sevigny Lumber Co., Inc. (Lebanon, 1954)
Shamrock Realty, Inc. (Salem, 1969)
Shapiro's Express, Inc. (Nashua, 1957)
Shedd Associates, Inc. (Franklin, 1968)
Sheik, Inc., The (Manchester, 1967)
Sheremeta Pontiac, Inc. (Dover, 1968)
Sheridan International Corporation (Salem, 1968)
Sherwood Footwear, Inc. (Dover, 1964)
Shugah Vale, Inc. (Claremont, 1966)
Sico, Inc. (Portsmouth, 1949)
Singing Eagle Lodge, Inc. (Center Harbor, 1963)
Sitinas Realty Inc. (Manchester, 1958)
Six-O-One, Inc. (formerly Foreign Autoservice Ltd., Inc., Manchester, 1968)
Ski Hosts International, Inc. (Franconia, 1969)
Small, Mal Inc. (Nashua, 1963)
Smalley, Fred C., & Sons Co. (Dover, 1932)
Smith, DeLancey, Inc. (Nashua, 1967)
Smith-Holden of Manchester, Inc. (Manchester, 1958)
Smith, Ronald A., Inc. (Portsmouth, 1964)
Snow Diamond Products, Inc. (Marlborough, 1965)
Somersworth Construction Co., Inc. (Somersworth, 1967)
Soo-Nipi Lodge, Inc. (Concord, 1955)
Soucy Plumbing & Heating, Inc. (Dover, 1968)
Soundex, Inc. (Portsmouth, 1969)
South Merrimack Market, Inc. (South Merrimack, 1964)
Southwick Construction Co., Inc. (Hampstead, 1958)
Southwind Dining Room, Inc. (formerly Westwind Restaurant, Inc., Portsmouth, 1961)
Space Age Flooring, Inc. (Londonderry, 1966)

Sparkies Foods, Inc. (Pelham, 1968)
Spaulding Shire Plaza, Inc. (Portsmouth, 1966)
Sportsmen's Haven, Inc. (Wilton, 1968)
Spreadall Corporation, The (Derry, 1965)
Spruce Realty, Inc. (Manchester, 1959)
Squam Lake Estate Service, Inc. (formerly Greenfield Home Service, Inc., Greenfield, 1967)
Squam Lakes Club, Inc. (Holderness, 1964)
Staff Brothers, Inc. (Claremont, 1948)
Stag-Holm, Inc. (Sunapee, 1964)
Stainless Steel and Refrigeration Specialties, Inc. (Fitzwilliam, 1965)
Standard Credit Corporation (Ashland, 1968)
Stanley's Superette, Inc. (Henniker, 1968)
State Line Cinema, Inc. (Plaistow, 1968)
State Line Development Corporation (Fitzwilliam, 1964)
Stewart-Tallman, Inc. (Concord, 1955)
Stone, Howard G., Inc. (Bethlehem, 1968)
Stored Energy Systems Corp. (Nashua, 1968)
Strafford Lanes Corp. (Dover, 1968)
Stratham Farms, Inc. (Stratham, 1965)
Stratton, Bob, Insurance Agency, Inc. (Derry, 1964)
Structural Concrete Corporation (Lakeport, 1958)
Structural Concrete Corporation of Maine (Laconia, 1961)
Styles Associates, Inc. (Northumberland, 1965)
Suffolk Construction Co., Inc. (Dover, 1966)
Suissevale, Incorporated, (Moultonboro, 1966)
Sunny Knoll Estates, Inc. (Dover, 1962)
Sunset Motel, Inc. (West Lebanon, 1968)
Super Products, Inc. (Newton, 1968)
Superior Enterprises, Inc. (Manchester, 1967)
Superior Floors, Inc. (Londonderry, 1969)
Superior Petroleum Corporation (formerly Superior Petroleum Products of Dover, Inc., Suncook, 1958)
Survival Plumbing & Heating Co., Inc. (Bedford, 1968)
Swan, R. C., Yarn Co., Inc. (Keene, 1967)
Swarthmoor Ltd., Incorporated (Littleton, 1969)
Swenson Corporation, The (Concord, 1969)
T. & A. Realty Corporation (Salem, 1965)
T D T Leasing, Inc. (Nashua, 1969)
T & F Inc. (Benton, 1968)
TMC, Inc. (formerly The Macallen Company, Inc., Newmarket, 1955)
T & M Realty Corporation (Hampton, 1965)
TEC Inc. (Concord, 1968)
Tech Consolidated, Inc. (Londonderry, 1962)
Tech Data Associates, Inc. (Londonderry, 1967)
Tech-Ni-Que Inc. (Derry, 1969)
Temple Transport Corporation (Wilton, 1966)
Ten Investors, Inc., The (Center Harbor, 1966)
Ten Star Associates, Inc. (Nashua, 1964)
Texas A Million Enterprises, Inc. (Manchester, 1965)
Thelvicki Corporation (Henniker, 1966)
Theriault's Men's Shop, Inc. (Nashua, 1958)
Thermo Construction, Inc. (Manchester, 1967)
Theroux Lumber Co., Inc. (Berlin, 1966)
13-18 Club, Inc. (Keene, 1969)

33 Flavors of New England, Inc. (Wolfeboro, 1967)
Thor Distributing Corporation (Laconia, 1968)
Thornton Association of Mobile Estates, Inc. (Thornton, 1969)
Three G's Corporation (Wilton, 1968)
323 Belmont Street, Inc. (Manchester, 1954)
3-28 Realty Corporation (Allenstown, 1963)
Tigeroc Grove, Inc. (Somersworth, 1966)
Tikellis Shoe Machinery Company, Inc. (Dover, 1955)
Tilton Cafe, Inc. (Tilton, 1963)
Tin Mine Development Corporation (Jackson, 1964)
Titus, Earl, Inc. (Exeter, 1968)
Tony's Drive-In Restaurant, Inc. (formerly Jimmy's Drive-In Restaurant, Inc., Seabrook, 1968)
Top Construction, Inc. (Manchester, 1968)
Toppan, Mark, Inc. (Keene, 1961)
Tower Realty, Inc. (formerly Lamie's Tavern, Inc., Hampton, 1940)
Town and Country Casuals, Inc. (Nashua, 1960)
Town & Country Engineering, Inc. (Stratham, 1966)
Town and Country Fuel, Inc. (Alton, 1963)
Traditional Homes, Inc. (Derry, 1968)
Traffic Control Painting of New Hampshire, Inc. (Laconia, 1968)
Transceiver Centers of New Hampshire, Inc. (Harvard, Massachusetts, 1969)
Travis Homes, Inc. (Londonderry, 1968)
Trebtor, Inc. (Bedford, 1962)
Tri-City Amusement, Inc. (Somersworth, 1969)
Tri-City Cinemas, Inc. (Somersworth, 1969)
Tri-City Football Club, Inc. (Rochester, 1961)
Tri-State Engineering Co., Inc. (Manchester, 1955)
Tri-State Food, Inc. (Littleton, 1968)
Tri-State Realty Corp. (Rochester, 1950)
Tri-State Treasures Inc. (Portsmouth, 1962)
Tri-Tech. Industries, Inc. (Meredith, 1969)
Triangle Oil, Inc. (Salem, 1965)
Triple B & E Enterprises, Inc. (Laconia, 1969)
Triple S Equipment Corporation (Manchester, 1967)
Triton Valley Corporation (Lebanon, 1966)
Triune, Inc. (Manchester, 1963)
Trudel, George E., Company (Manchester, 1913)
Try-l Inc. (Manchester, 1965)
Tucker & Mooney Motors, Inc. (Conway, 1968)
Tucker & Mooney Realty, Inc. (Conway, 1969)
Turcott Associates, Inc. (Concord, 1952)
Turmelle, Roland E., Inc. (Rochester, 1958)
Tutor Associates, Inc., The (Manchester, 1957)
Tuxford Electric, Inc. (Manchester, 1968)
Twenty-Four Webster Street, Inc. (formerly Harland H. Holt, Inc., Milford, 1960)
Twin Maple Day Nursery, Inc. (Candia, 1966)
Twin State Development Corp. (Concord, 1951)
Twin State Electrical Supply Co., Inc. (Keene, 1956)
Twin State Salvage Pool, Inc. (Claremont, 1967)
Two Square Builders, Inc. (Moultonboro, 1968)
Two Twenty-Two Corporation (Hudson, 1969)
Ulm Corporation (Meredith, 1967)

Ultimar, Inc. (Jaffrey, 1969)
Union Marble & Granite Works, Inc. (Wakefield, 1964)
Union Oil of New Hampshire, Inc. (Nashua, 1962)
United Ambulance and Limousine Inc. (Nashua, 1969)
United Finance Company, Inc. (Berlin, 1954)
United Insurance Finance Corp. (Hooksett, 1965)
United Loan Corporation (Nashua, 1965)
United Loans, Inc. (Nashua, 1965)
United Recreations, Inc. (Lincoln, 1961)
United Vendors, Inc. (formerly Ala Vending Corp., Nashua, 1959)
University Book Co-op, Inc. (Durham, 1967)
University Realty Corporation (Durham, 1960)
Utilities Real Estate Company (Meredith, 1929)
V-Line Corp. (Nashua, 1963)
Valle's of Manchester, Inc. (Manchester, 1962)
Valley Garden Apartments, Inc. (Lebanon, 1966)
Val's Black & White Taxi, Inc. (Portsmouth, 1964)
Vanal, Inc. (Amherst, 1969)
Velvet Rocks, Inc. (Hanover, 1968)
Venture Equities, Inc. (Alton, 1968)
Vic-Dord Realty, Inc. (Nashua, 1963)
Viking Construction Co., Inc. (Merrimack, 1967)
Village Hardware Store, Inc., The (Merrimack, 1964)
Village Shop, Inc. (Plymouth, 1962)
Village Trust, Inc., The (formerly The Bennett Construction Company, Inc., Salem, 1964)
Volunteer Emergency Corps (Plaistow, 1956)
W.B.R. Corporation (formerly Perkins Motel of Littleton, N.H., Inc., Littleton, 1963)
W-P Corp. (Manchester, 1969)
W. S. Contractors of New Hampshire, Inc. (Salem, 1968)
Wakitatina Restaurant, Inc. (Meredith, 1967)
Walflo, Inc. (Portsmouth, 1968)
Wallisford Mills, Inc. (Keene, 1954)
Walsh & Nute Real Estate, Inc. (Manchester, 1967)
Warehouse Carpet Sales, Inc. (Dover, 1969)
Warner, Walter J., Corp. (Bethlehem, 1967)
Wash-N-Dry Inc. (Keene, 1961)
Waverly Insurance, Inc. (Hampton, 1968)
Wayside Gifts, Inc. (North Conway, 1967)
Weare Square, Inc. (Weare, 1967)
Weigler Incorporated (Manchester, 1966)
Weirs Beach Marina, Inc. (Laconia, 1964)
Welcome Aboard Vacation Center of Manchester, New Hampshire, Inc., (Manchester, 1969)
Weldtronics, Inc. (Nashua, 1962)
Wendon, Inc. (formerly Wendon Building Supply, Inc., Keene, 1964)
Wentworth Moving & Storage, Inc. (Exeter, 1969)
Wentworth Pontiac-Buick Company, Inc. (Dover, 1968)
Wescott Concrete Corporation (Laconia, 1954)
West And Williams Corporation, The (Hampton, 1969)
West, C. R., Inc. (Errol, 1960)
Western Enterprises of N.H., Inc. (Manchester, 1965)
West Lebanon Finance Corporation (West Lebanon, 1966)
West Lebanon Finance, Inc. (West Lebanon, 1966)

West Manchester Finance Corporation (Manchester, 1964)
West Manchester Finance, Inc. (Manchester, 1964)
Wethree, Inc. (Manchester, 1964)
Wheelers', Inc. (Peterborough, 1956)
Wheelock Associates, Inc. (formerly Bent & Stigum, Inc., Hanover, 1967)
Whippoorwill Valley, Inc. (Goffstown, 1968)
Whipple's, Allen L., Carland, Inc. (Claremont, 1962)
White Mountain Acceptance Corporation (Meredith, 1954)
White Mountain Alpine Inn, Inc. (North Conway, 1964)
White Mountain Development Corp. (Laconia, 1969)
White Mountain Insurance Corporation (Meredith, 1968)
White Mountain Leasing Corporation (Laconia, 1967)
White Mountain Loan Corporation (Meredith, 1954)
White Mountain Realty Corporation (Meredith, 1967)
White Mountain Traction, Inc. (Lincoln, 1964)
White Mountains Fur Farms, Inc. (Wilmot, 1953)
White River Jewelry, Inc. (White River Junction, Vermont, 1968)
Whitham-Carroll, Inc. (Sullivan, 1959)
Whiting and DeCamp, Inc. (formerly Wilton Pressed Metals, Inc., Wilton, 1953)
Whitman, F. O., Inc. (Bradford, 1968)
Wide View Farm Recreation Area, Inc. (Pittsfield, 1965)
Wig Town, Inc. (Laconia, 1969)
William, Donald, Inc. (Salem, 1957)
William Realty Co., Inc. (Claremont, 1958)
Williams Organ Service, Inc. (Greenland, 1969)
Willow Street Investment Corporation, Inc. (New Hampton, 1964)
Wilson Camera & Photo, Inc. (Laconia, 1963)
Winchester Building Supply Company, Inc. (Winchester, 1964)
Winchester Mfg. Company, Inc. (Winchester, 1954)
Windham Construction Corp. (Windham, 1966)
Windham Heights Development Corporation (Concord, 1969)
Windham Pharmacy, Inc. (Windham, 1964)
Windham Towne Market, Inc. (Windham, 1964)
Windmill Cabins, Inc. (Merrimack, 1967)
Windsong, Inc. (Portsmouth, 1969)
Winnepesaukee Farm Mobile Homes Court, Inc. (Gilford, 1960)
Winter Week/Summer Times, Inc. (Gilford, 1968)
Wonder Working Recording Inc. (Nashua, 1968)
Wood n' dell Realty Corporation (Amherst, 1969)
Woodbrook Camp for Boys, Inc. (Fitzwilliam, 1966)
Woodhaven Acres, Inc. (formerly Nickerson Development Corporation, Goffstown, 1963)
Woodland Realty, Inc. (Nashua, 1961)
Woodmore Development Corporation (New London, 1964)
Woodsville, Blackmount & Haverhill Steam Railroad Co., Inc. (Haverhill, 1961)
Woodwinds Hill, Inc. (Laconia, 1953)
World Wide Travel Bureau, Inc. (Nashua, 1956)
Worth Real Estate, Inc. (Nashua, 1961)
Wovencraft, Inc. (formerly Marlboro Weaving Company, Marlboro, 1927)
X actol, Inc. (Nashua, 1967)
Yankee Builders, Inc. (Amherst, 1968)

Yankee Development Corporation (Center Harbor, 1965)
Yankee Drummer, Inc., The (Durham, 1961)
Yankee Homes, Inc. (Amherst, 1963)
Yankee Housewright, Inc., The (Amherst, 1963)
Yankee Scrubbers, Inc. (Manchester, 1966)
Yankee Turf Equipment Corporation (North Hampton, 1967)
York, Irene, Agency, Inc. (Dover, 1967)
Young, A. G., Incorporated (Peterborough, 1952)
Z Realty Company, Inc., The (Manchester, 1933)
Zan-Towne Homes, Inc. (formerly Zan-Towne Swift Homes, Inc.,
Bedford, 1965)
Zepol Corporation (Nashua, 1968)
Zipp, Nick, Auto Center, Incorporated (Newington, 1967)

The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

295: 2 Remedies Preserved. No remedy against any such corporation, its stockholders or officers, nor any liability previously incurred, shall be impaired thereby.

295: 3 Reinstatement. Any such corporation may, within ninety days after this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears, including any taxes and interest due under RSA 77-A and/or RSA 77-B and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

295: 4 Disposition of Property. Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body corporate for the term of three years from the date this act takes effect, for the purpose of prosecuting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of the property and for no other purpose; provided that for the purpose of any suit or action by or against any such corporation, pending at the end of said term of three years, such corporation shall continue as a body corporate until ninety days after final judgment or decree in such suit or action; and provided further that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

295: 5 Certificate from Tax Commission. No corporation shall be dissolved hereunder until the certificate required under RSA 77-A: 18 and/or 77-B: 28 shall be filed with the secretary of state.

295: 6 Takes Effect. This act takes effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 296.

AN ACT RELATIVE TO POWERS AND DUTIES OF NEW ENGLAND INTER-STATE WATER POLLUTION CONTROL COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

296:1 New Chapter. Amend RSA by inserting after chapter 487-A the following new chapter:

CHAPTER 487-B [NEW]**INTERSTATE WATER POLLUTION CONTROL COMMISSION
SEWAGE AND WASTE TREATMENT PLANT PERSONNEL**

487-B:1 Control Commission. The New England Interstate Water Pollution Control Commission, established by RSA 488, and hereinafter called the commission may develop standards for the training, educational and experience requirements for operating personnel necessary to the proper operation of sewage and other waste treatment plants.

487-B:2 Training of Personnel.

(a) The commission may administer programs of training and certification for such personnel, and may make classifications thereof. Any certificate issued by the commission shall be accepted by this state and all agencies and subdivisions thereof as conclusive evidence that the holder has the training, education and experience necessary for certification for the class of position or responsibility described therein. The water supply and pollution control commission may impose and administer any other requirements for certification within any applicable provisions of law, but it shall not reexamine or reinvestigate the applicant for a certificate with respect to his training, education or experience qualifications.

(b) The commission shall keep a record of all certificates issued by it, and in response to any inquiry concerning such a certificate, the commission shall inform the inquirer concerning its issuance and validity. The commission shall annul any certificate issued by it, if the commission finds that the certificate was obtained by misrepresentation of any material fact relating to the education, training or experience of the applicant. Such annulment shall be pursuant to rules and regulations of the commission which shall afford due notice to the certificate holder and an opportunity to present relevant evidence for consideration by the commission.

487-B:3 Application. Nothing contained in this subdivision shall limit or abridge the authority of the commission to revise its standards and to issue new or additional certificates. In any such case, the water supply and pollution control commission may require an applicant for a certificate to present a certificate or certificates which evidence training, education and experience meeting the current standards of the commission.

487-B:4 Limitations.

(a) Certificates issued by the commission shall be recognized and given in connection with personnel employed in or having responsibilities for plants discharging into any waters of this state.

(b) Nothing in this subdivision shall be construed to require any person to have a certificate in order to be employed in the operation of a sewage or other waste treatment plant. Such requirements, if any, shall be as set forth in or pursuant to other laws of this state: provided that in any case

where a certificate is required, an appropriate certificate issued by the commission shall be accepted in lieu of any certificate otherwise required.

487-B: 5 Application. To the extent that the authority conferred upon the commission by this chapter is not otherwise exercisable by the commission under the provisions of the New England Interstate Water Pollution Control Compact, the commission shall not require the financial or other support of the program or programs authorized hereby by any state not having enacted legislation substantially similar to this subdivision.

296: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 24, 1971.]

[Effective date August 23, 1971.]

CHAPTER 297.

AN ACT ESTABLISHING A COMMISSION TO STUDY AND MAKE LEGISLATIVE RECOMMENDATIONS CONCERNING THE REGULATIONS AND LICENSING REQUIREMENTS WHICH APPLY TO HALFWAY HOUSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

297: 1 Commission Established. There is hereby established a half-way house study commission of fifteen members who shall be selected and appointed as follows:

I. Two members of the house of representatives appointed by the speaker;

II. One member of the senate appointed by the president;

III. The following named officials or their designated representatives:

(a) Commissioner of the department of health and welfare;

(b) Director of the division of public health of the department of health and welfare;

(c) Chief of the division of vocational rehabilitation of the department of education;

(d) Director of the division of public welfare of the department of health and welfare;

(e) Director of the division of mental health of the department of health and welfare; and

(f) Director of the New Hampshire state council on aging.

IV. Six members of the general public who shall represent diversified segments of society and who shall be chosen by a committee composed of:

(a) The governor;

(b) The president of the senate;

(c) The speaker of the house of representatives; or their designated representatives.

Members shall receive no compensation.

297: 2 Purposes and Duties. The commission shall study in depth, and hold public hearings as it shall deem necessary, to determine the present state of the statutory regulations and licensing requirements which apply

to the operation of rehabilitation centers; the study shall include but not be limited to the following types of rehabilitation facilities:

- I. Halfway houses;
- II. Group homes; and
- III. Sheltered homes.

297:3 State Agencies. Particular attention shall be given to the regulations and licensing requirements of:

- I. Division of health of the department of health and welfare;
- II. Bureau of child and family services of the division of welfare of the department of health and welfare; and
- III. Division of vocational rehabilitation of the department of education.

297:4 Report and Recommendations. The commission shall submit a report to the governor and council, the president of the senate and the speaker of the house by December 1, 1972 incorporating its findings and evaluations. Such report shall include recommendations for a uniform licensing code establishing health and safety standards for rehabilitation centers of the type studied.

297:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 298.

AN ACT PROVIDING THAT THE PROVISIONS OF THE CONSTITUTION OF
NEW HAMPSHIRE SHALL ESTABLISH THE AGE FOR VOTERS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

298:1 Age Established by the Constitution. Amend RSA 54:1 by striking out in lines two, three and four the words "of the age of twenty-one years and upward, excepting paupers and persons excused from paying taxes at their own request" and inserting in place thereof the following (of the age provided for in Article 28 of Part Second of the Constitution of New Hampshire) so that said section as amended shall read as follows:

54:1 Legal Voters. Every inhabitant of each town, being a native or naturalized citizen of the United States, of the age provided for in Article 28 of Part Second of the Constitution of New Hampshire, shall have a right, at any meeting, to vote in the town in which he dwells and has his home.*

298:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

* See also 1971, 547:1.

CHAPTER 299.

AN ACT RELATIVE TO SUPPLIES FOR DISCHARGED PRISONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

299:1 Increased Allowance. Amend RSA 622:16 (supp) as amended by 1965, 25:1 by striking out in line four the word "thirty" and inserting in place thereof the word (sixty) so that said section as amended shall read as follows:

622:16 Supplies for Discharged Prisoners. The warden may furnish, at the expense of the state, to each convict discharged from the prison, a suit of clothes, decent and suitable for the season in which he is discharged, and a sum of money not more than sixty dollars.

299:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 300.

AN ACT PROVIDING COPIES OF THE REVISED STATUTES ANNOTATED FOR ATTORNEYS IN THE OFFICE OF ATTORNEY GENERAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

300:1 Distribution to Attorney General's Office. Amend RSA 20:16 (supp) as inserted by 1955, 231:3 and amended by 1970, 14:4 by striking out in lines eighteen and nineteen the words "seven copies to the office of the attorney general" and inserting in place thereof the words (a sufficient number of copies to the office of the attorney general to provide each attorney in that office with a set and to provide such additional sets as may be needed for the use of its secretarial staff) so that said section as amended shall read as follows:

20:16 Distribution of Revised Statutes Annotated. The secretary of state is hereby authorized to distribute official bound copies of the Revised Statutes Annotated free of charge in the following manner. Unless otherwise directed by the chief justice of the supreme court, one copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire Revision Commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the State reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of the Revised

Statutes Annotated, the secretary of state, the state treasurer, the comptroller and a sufficient number of copies to the office of the attorney general to provide each attorney in that office with a set and to provide such additional sets as may be needed for the use of its secretarial staff.

300:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 301.

AN ACT TO CORRECT A TYPOGRAPHICAL ERROR IN THE REVISED STATUTES ANNOTATED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

301:1 Typographical Error. Amend RSA 156-A:1-a I (supp) as inserted by 1965, 346:1 and amended by 1967, 395:1 by striking out in lines thirteen through nineteen the sentence "The notice of the second public hearing must include either the text or an adequate statement of all changes in the proposed ordinance or amendment considered at the first hearing which were subsequently accepted by the planning board, or board of selectmen, if there is no planning board, shall consider all changes proposed to the ordinance or amendment at that hearing, and shall vote to accept or reject such changes prior to the second public hearing" so that said paragraph as amended shall read as follows:

I. Ordinance or Amendment by the Planning Board or Board of Selectmen. There shall be at least two public hearings at least fifteen days apart on the regulation or restriction at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of each such public hearing shall be published in a paper of general circulation in the town and a legal notice thereof shall also be posted in at least three public places in such town. The public hearings shall be held by the planning board, or the board of selectmen, when there is no planning board. After the first public hearing, the planning board, or board of selectmen, when there is no planning board, shall consider all changes proposed to the ordinance or amendment at that hearing, and shall vote to accept or reject such changes prior to the second public hearing. The notice of the second public hearing must include either the text or an adequate statement of all changes in the proposed ordinance or amendment considered at the first hearing which were subsequently accepted by the planning board, or board of selectmen, if there is no planning board. At least fifteen days notice of the time and place of each such public hearing shall be published in a paper of general circulation in the town and a notice thereof shall also be posted in at least three public places in such town. After the second public hearing the planning board, or board of selectmen, when there is no planning board, shall, by vote, determine the final form of the ordinance, amendment or amendments, to be presented to the town which shall conform, in substance, to that submitted to the second hearing but may include editorial revisions and textual modifications resulting from the proceedings of that hearing. Official copies of the final proposed ordi-

nance, amendment or amendments, to an existing ordinance shall be placed upon file, and shall be made available to the public, at the office of the town clerk two weeks prior to the date at which action is to be taken, and a like copy of the proposed ordinance or amendment to an existing ordinance, shall be on display to the voters on the day of the meeting. If the town has adopted an official ballot for the election of its officers, the issue as to the adoption of the proposed ordinance or amendment shall be presented to the voters of the town by the inclusion of the following question on said official ballot as prepared by the town clerk: "Are you in favor of the adoption of the building code ordinance, (or amendment to the existing town building code ordinance) as proposed by the planning board (board of selectmen)?"

In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of amendment no. as proposed by the planning board (board of selectmen) for the town building code ordinance as follows?" (Here insert topical description of substance of amendment.)

If such action is to be taken at a meeting other than the one at which officers are to be elected the clerk shall prepare a special ballot containing the question or questions above stated and the meeting shall open not later than noon and shall remain open at least eight hours. If such action is to be taken at a meeting in a town which has not adopted an official ballot the clerk shall likewise prepare a special ballot for the use of voters in voting on the question. If a majority of the voters present and voting on any question or questions as herein provided shall vote in the affirmative the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, the form of the ballot shall be as prescribed by RSA 59: 12-a.

301:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 302.

AN ACT TO REQUIRE HIGHER SAFETY STANDARDS IN THE CONSTRUCTION OF DRIVEWAYS AND OTHER ACCESSES TO THE PUBLIC WAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

302:1 Access Safety. Amend RSA 249:17 (supp) as amended by 1969, 254: 1 by striking out said section and inserting in place thereof the following:

249:17 Driveways and Other Accesses to the Public Way.

I. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of any driveway, entrance, exit, or approach within the limits of the right of way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to

the terms and specifications of a written permit issued by the commissioner of public works and highways.

II. Pursuant to this section, a written construction permit application must be obtained from and filed with the department of public works and highways by any abuttor affected by the provisions of paragraph I. Before any construction or alteration work is commenced; said permit application shall have been reviewed, and a construction permit issued by said department. Said permit shall:

(a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.

(b) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abuttor.

(c) Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.

(d) Include any other terms and specifications necessary for the safety of the traveling public.

III. For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

(a) Said permit application shall be accompanied by engineering drawings showing information as set forth in paragraph II.

(b) Unless all season safe sight distance of four hundred feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the four hundred foot all season safe sight distance has been provided.

(c) For the purposes of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between two points, each at a height of three feet nine inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

IV. No construction permit shall allow:

(a) A driveway, entrance, exit, or approach to be constructed more than fifty feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of fifty feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.

(b) More than two driveways, entrances, exits, or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds five hundred feet.

V. There shall be conferred upon:

(a) The planning board in cities and towns wherein the planning board has been granted the power to regulate the subdivision of land as provided in RSA 36:19; and

(b) The selectmen in all other cities and towns.
The same powers concerning highways under their jurisdiction as are con-

ferred upon the commissioner of public works and highways by paragraphs I, II, III and IV, and they shall promulgate such rules and regulations as are necessary to carry out the provisions of this section.

302: 2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 25, 1971.]

[Effective date July 1, 1971.]

CHAPTER 303.

AN ACT ELIMINATING THE PAYMENT OF TAXES AS A CONDITION
PRECEDENT TO RECEIVING THE SERVICE EXEMPTION FROM TAXES.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

303: 1 Payment of Taxes. Amend RSA 72: 28 (supp) as amended by 1955, 289: 1; 1963, 49: 1, 118: 1, 324: 1; and 1967, 35: 1 and 2, and 219: 1 and 2 by striking out paragraph II of said section.

303: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971]

[Effective date August 24, 1971.]

CHAPTER 304.

AN ACT PROHIBITING THE USE OF MOTOR BOATS ON JERICO POND.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

304: 1 Motor Boats Prohibited. Amend RSA 486 by inserting after section 12 the following new section:

486: 13 [New] Jericho Pond. On and after the effective date of this act, no person shall use or operate any motor boat or any boat equipped with an outboard motor upon the waters of Jericho Pond in Berlin. Whoever violates the provisions of this section shall be fined not more than fifty dollars.

304: 2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 305.

AN ACT RELATIVE TO THE PARKING OF MOTOR VEHICLES BY
DISABLED WAR VETERANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

305:1 Identification Tag or Card Provision Removed. Amend RSA 249:4 by striking out said section and inserting in place thereof the following:

249:4 Free Parking. Any motor vehicle carrying special license plates issued to paraplegic, amputee or blind war veterans pursuant to RSA 260:17 and RSA 260:18 shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner.

305:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 306.AN ACT PROHIBITING MOTORBOATS ON SMITH MEETING HOUSE POND
AND ROLLINS POND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

306:1 Smith Meeting House Pond and Rollins Pond. Amend RSA 486 by inserting after section 13 (supp) the following new section:

486:14 [New] Smith Meeting House Pond and Rollins Pond. No person shall operate any boat equipped with a petroleum powered motor, upon the waters of Smith Meeting House Pond and Rollins Pond in the town of Gilmanston. Whoever violates any of the provisions of this section shall be fined not more than fifty dollars.

306:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 307.

AN ACT RELATIVE TO PROOF OF OWNERSHIP OF MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

307:1 Proof of Ownership Required. Amend RSA 260:22 (supp) as amended by 1967, 332:1 and 1970, 28:1 by striking out said section and inserting in place thereof the following:

260:22 Required. No motor vehicle owned or controlled by a resident of this state shall be registered under the provisions of this chapter until the owner or person controlling the same has obtained a permit for registration from the city or town wherein he resides. This section shall not apply to motor vehicles which constitute stock in trade of a manufacturer or of a bona fide dealer. No such permit shall be issued unless the owner or person controlling the motor vehicle presents to the town or city clerk:

I. A certificate of title if required by the provisions of RSA 269-A, or application for such certificate of title; or

II. In the case of a motor vehicle exempted from the title requirements of RSA 269-A,

(a) A bill of sale from such previous owner; or

(b) If the previous owner was a dealer in motor vehicles, a temporary registration certificate.

III. The bill of sale required by the provisions of paragraph II shall contain the following information:

(a) The date of the sale;

(b) A description of the vehicle including:

(1) Make;

(2) Model;

(3) Identification number;

(4) Model year;

(5) Year of manufacture;

(6) Type of body; and

(7) Number of cylinders.

(c) Name and address of purchaser; and

(d) Signature and address of seller.

IV. In the case of any motor vehicle, a certificate of registration to the same owner for a current or previous year.

307:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 308.

AN ACT PROHIBITING THE POSSESSION OF LOADED RIFLES AND SHOT-GUNS IN BOATS AND OTHER CRAFT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

308:1 Rifles and Shotguns in Boats. Amend RSA 207:7 (supp) as amended by 1969, 11:1 by striking out said section and inserting in place thereof the following:

207:7 Hunting from Motor Vehicle, Snow Traveling Vehicle, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, snow traveling vehicle, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on, such motor vehicle, snow traveling vehicle or aircraft, whether moving or stationary, a loaded rifle or loaded shotgun or a rifle or shotgun with a cartridge in the magazine or clip attached to the gun.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a loaded rifle or loaded shotgun or a rifle or shotgun with a cartridge in the magazine or clip attached to the gun.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

308:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 309.

AN ACT AMENDING THE CHARTER OF THE TOWN OF HANOVER TO
PROVIDE THAT THE BOARD OF SELECTMEN SHALL ACT AS THE
HOUSING AUTHORITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

309:1 Hanover Housing Authority. Amend Laws of 1963, 374 by inserting after section 7 the following new section:

374:7-a [New] Hanover Housing Authority. Notwithstanding the provisions of RSA 203: 5 and RSA 203: 7, the board of selectmen shall be the Hanover housing authority and shall perform all the functions of a housing authority as provided in RSA 203, 204 and 205.

309:2 Referendum. Section 1 of this act shall not take effect unless:

I. A housing authority is created as provided in RSA 203: 4, and adopted as provided by paragraph II;

II. The provisions of section one of this act are adopted by a majority vote at the town meeting on March 14, 1972 or at a duly warned special meeting held prior to March 14, 1972. The town clerk then in office shall cause to be placed on the bottom of the regular election ballot, or on a special ballot at a special meeting, where the polls shall be kept open for at least eight hours, the following question: "Are you, as a voter of the town of Hanover, in favor of creating a Housing Authority for the town of Hanover and adopting the provisions of an act enacted by the 1971 session of the General Court amending the charter of the town of Hanover to provide that the board of selectmen shall act as the Housing Authority?" When submitting this question to the voters of the town of Hanover, the form of the ballot shall be as prescribed by RSA 59: 12-a (supp). If a majority of those voting on this question at said election vote in the affirmative, this act shall be declared to have been adopted by the town. Within ten days after said meeting, the town clerk shall certify to the secretary of state the result of the vote on the question.

309:3 Public Hearing. There shall be a public hearing conducted by the selectmen of the town of Hanover concerning section 1 of this act and relative to adoption of a housing authority in Hanover. Said public hearing shall be conducted at least fourteen days prior to the town meeting to be held on March 14, 1972 or at least fourteen days prior to any adjourned or duly warned special meeting held prior to March 14, 1972. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the town of Hanover at least ten days before it is held. This public hearing shall be held by the selectmen notwithstanding any other hearing or hearings held concerning this act or sections therein by any other body.

309:4 Effective Date. Sections 2 and 3 of this act shall take effect sixty days after its passage. Section 1 of this act shall take effect when and if the provisions of this act are adopted by the voters of the town of Hanover on March 14, 1972, or at a duly warned special meeting held prior to March 14, 1972, in accordance with the provisions of section 2.

[Approved June 25, 1971.]

[Effective date. Sections 2 and 3 shall take effect August 24, 1971. Section 1 shall take effect as provided in section 4.]

CHAPTER 310.

AN ACT RELATIVE TO THE REPAIR OF FAULTY PRIVATE SEWAGE SYSTEMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

310:1 Funding Authorized. Amend RSA 31:4 by inserting at the end thereof the following new paragraph:

XLVI. FAULTY SEWAGE SYSTEMS. To provide a contingency fund to meet the cost of repairing faulty private sewage disposal systems, to be expended by the municipal public health officer. A detailed report of all expenditures made by him from said fund, shall be published in the municipal report.

310:2 Repairs to Private Sewage Systems by Municipalities. Amend RSA 147 by inserting after section 17 the following new sections:

147:17-a [New] Private Sewage Systems.

I. FAULTY PRIVATE SEWAGE SYSTEM. Whenever any private sewage system is in such disrepair as to constitute a source of danger to the health of the public, the health officer may order the owner to put the same in a proper sanitary condition.

II. FAILURE TO REPAIR. If the person so ordered fails to rectify the problem, the municipal health officer may request the selectmen or mayor and council, if sufficient funds have been appropriated for this purpose, to put the system in a proper sanitary condition.

147:17-b [New] Installments for Repair Cost. All expenses to the town or city for repairs made pursuant to the provisions of RSA 147:17-a, II shall constitute an assessment against the owner and shall create a lien upon the lands on account of which such repairs are made. The governing

board shall have all the powers in making, assessing, and enforcing such lien as are provided in the applicable provisions of RSA 252.

310:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 311.

AN ACT RELATIVE TO CONTESTED ELECTIONS TO THE LEGISLATURE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

311:1 Notice of Contested Election. Amend RSA 67:1 (supp) as amended by 1963, 240: 1 by striking out said section and inserting in place thereof the following:

67:1 Notice. Whenever any person intends to contest the election of a senator or a representative he shall give to him a notice in writing of such contest, with the reasons thereof citing the acts constituting the violation and, if known, the specific sections of law, or the constitutional provisions being violated. Said notice shall be given by certified mail, return receipt requested, postmarked on or before December fifteenth next following the election. At the same time the notice is given to the senator or representative a copy thereof shall be forwarded to the secretary of state.

311:2 Time Limitation. Amend RSA 67: 4 by striking out said section and inserting in place thereof the following:

67:4 Limitation. In a contested election case the contestants shall not be entitled to a hearing unless their remonstrance or petition shall be presented to the clerk of the senate or house before the second Wednesday of the first session thereof.

311:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 312.

AN ACT RELATIVE TO TRANSFER OF PRISONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

312:1 Transfer of Prisoners. Amend RSA 623 by inserting after section 1 the following new sections:

623:2 [New] Transfer from State Prison. Any person confined in the state prison, may upon recommendation of the warden, and with the

approval of the governor, or a justice of the superior court, be transferred to a county jail or house of correction.

623:3 [New] Transfer to State Prison. Any person who is confined awaiting trial on a felony charge, may be transferred to the state prison, from the county jail or house of correction, upon the recommendation of the sheriff, and with the approval of the county commissioners of said county.

623:4 [New] Transfer Procedure. No person shall be transferred pursuant to the provisions of RSA 623:2 and 3, unless both the warden of the state prison and the respective county sheriff sign an authorization to permit such a transfer.

312:2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 313.

AN ACT RELATIVE TO THE UNITED BAPTIST CONVENTION OF
NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

313:1 Name. Amend the Laws of 1917, 277:1 by striking out said section and inserting in place thereof the following:

Section 1. The name of the United Baptist Convention of New Hampshire is hereby changed to American Baptist Churches of New Hampshire.

313:2 Property. Amend the Laws of 1917, 277:2 by striking out said section and inserting in place thereof the following:

Sect. 2. The American Baptist Churches of New Hampshire shall have power to receive and hold property, real and personal, for all the purposes and subject to all the provisions of law to an amount not exceeding two million dollars.

313:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 314.

AN ACT RELATIVE TO THE ENFORCEMENT OF THE ELECTION LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

314:1 Attorney General. Amend RSA 7 by inserting after section 6-b (supp) the following new section:

7:6-c [New] Enforcement of the Election Laws. Upon receipt of a written complaint signed by a voter of the state of New Hampshire, or upon

his own motion, the attorney general may in his discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he is empowered to hold under this section shall be given under oath.

314:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 315.

AN ACT RELATIVE TO AMENDING THE CHARTER OF THE FIRST CONGREGATIONAL SOCIETY OF GILMANTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

315:1 Annual Meetings, Duties of Executive Committee and Collector, and Holdings of Personal Property. Amend the Laws of 1817, chapter 44, as amended by Laws of 1832, chapter 17 by striking out sections 3, 5, 6, and 9 and inserting in place thereof the following sections:

Sec. 3. The annual meeting of said society shall be holden on the second Monday of June with the exception of the meeting held June 2, 1971 as duly called under the provisions for a failure to hold an annual meeting. And hereafter should the said society by any means fail of holding their annual meeting the same may be revived by mailing postpaid notification in writing to the last known address to each member of said society, by the secretary, at least fourteen days prior to said meeting. And everything done at the meeting called as last aforesaid shall be as binding and have the same force on all members of said society, as though the same were done at the annual meeting, anything in this act to the contrary notwithstanding.

Sec. 5. And be it further enacted, that it shall be the duty of the executive committee to raise any necessary funds of said society without regard to polls or ratable estates of the members of said society or inventory of the town, through means of charitable contributions or other voluntary contributions, and turn said funds into the hands of the treasurer of said society to be used for the good of said society in such manner and ways as deemed most appropriate by said executive committee.

Sec. 6. And be it further enacted that it shall no longer be the duty of the collector or any other to collect any money in the nature of tax but rather all money or payments received will be in the nature of those received by other charitable societies.

Sec. 9. And be it further enacted, that said society may purchase and hold real and personal estate sufficient for carrying into effect the pur-

chases aforesaid, provided the same shall not exceed the value of fifty thousand dollars.

315:2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 316.

JOINT RESOLUTION ESTABLISHING A SPECIAL COMMITTEE TO STUDY THE EFFECTIVENESS OF THE LAWS RELATING TO ACCESS TO AND USE OF PUBLIC BUILDINGS BY THE PHYSICALLY HANDICAPPED.

WHEREAS, the Governor's Vocational Rehabilitation Planning Commission of 1968 has completed a comprehensive study of the rehabilitation and general human needs requirements of the disabled and handicapped of the state, and

WHEREAS, the study indicates the need for more and better accessibility to and removal of architectural features preventing the use of tax supported public buildings by physically handicapped people; and

WHEREAS, RSA 155: 8-a and 8-b as passed by Laws of 1965, chapter 326 requiring tax supported public buildings to have an entrance accessible to and architectural features favorable to use by physically handicapped persons has been in effect for almost six years; and there is a question as to whether the law, in its present form, is sufficient to provide for the use of such buildings by the physically handicapped; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT, a committee is hereby established to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped. Said committee shall be composed of five representatives appointed by the speaker of the house and two senators appointed by the president of the senate. The members shall elect a chairman and meet at his call. Members shall not receive compensation. In the course of its study, the committee shall determine:

I. The effectiveness of RSA 155: 8-a and 8-b and the potential for revision of said statutes;

II. The practicability of renovating or remodeling existing public buildings to make them accessible to and usable by the physically handicapped;

III. The feasibility of state adoption of a minimum accessibility and usability code for the construction, alteration or renovation at public expense of buildings intended for public use and the drafting of such a code.

THAT, the committee shall have full power and authority to require from the several departments, agencies and officials of the state and of the political subdivisions of the state such information and assistance as it deems necessary for the purposes hereof. The committee shall report its findings and recommendations, together with drafts of any proposed legislation necessary to carry out such recommendations to the next regular session of the legislature during the first week of the session.

[Approved June 25, 1971.]

CHAPTER 317.

AN ACT ABOLISHING THE OFFICE OF RESEARCH ANALYST, TO SENATE FINANCE COMMITTEE AND REMOVING ANY REFERENCE TO THAT OFFICE IN THE RSA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

317:1 Repeal. RSA 14:40 (supp) as inserted by 1957, 320:9 establishing the office of research analyst to the senate finance committee is hereby repealed.

317:2 Repeal. RSA 14:42 (supp) as inserted by 1957, 320:9 relative to duties of the senate finance committee is hereby repealed.

317:3 Repeal. RSA 14:43 (supp) as inserted by 1957, 320:9 relative to transfer of appropriation and equipment to the office of research analyst is hereby repealed.

317:4 Repeal. RSA 14:41 (supp) as inserted by 1957, 320:9 relative to space in the state house for use by the research analyst is hereby repealed.

317:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 318.

AN ACT PROVIDING THAT, WITH THE APPROVAL OF ONE PARENT, PERSONS WHO HAVE ATTAINED THE AGE OF EIGHTEEN YEARS WILL BE FULLY COMPETENT TO CONTRACT RELATIVE TO MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

318:1 Certain Contracts of Minors. Amend RSA 507 by inserting after section 13 the following new section:

507:14 [New] Minors Contracts; Motor Vehicles. Notwithstanding any other provision of law to the contrary, a minor, eighteen years of age or older, provided that one parent or guardian assents thereto in writing, shall be fully and legally responsible to act in his own behalf in the matters of contracts for the purchase, repair, or sale of motor vehicles and parts or accessories therefor. Such contracts or any instruments relative to the financing of such contracts, if otherwise legal, shall have the same legal effect as if no minority existed.

318:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 319.

AN ACT REQUIRING CERTAIN MARKINGS AND EQUIPMENT ON BICYCLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

319:1 New Requirements. Amend RSA 250 by inserting after section 11, under the subdivision "The Use of Highways by Bicycle Riders and Others" the following new sections:

250:11-a [New] Bicycles. No person shall operate a bicycle on any highway unless it is equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

250:11-b [New] Prohibition. No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

250:11-c [New] Pedals. No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than twelve inches above the ground.

250:11-d [New] Lights. Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light visible from a distance of three hundred feet in front of the bicycle and with a red reflector on the rear of a type approved by the department which shall be visible from a distance of three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from three hundred feet to the rear may be used in addition to the red reflector.

250:11-e [New] Reflector. On and after January 1, 1972, no person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector, of a type approved by the director of the division of motor vehicles of the department of safety, on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of two hundred feet.

319:2 Consistent Ordinances. Amend RSA 250:19 by striking out said section and inserting in place thereof the following:

250:19 Ordinances and By-Laws. Any town shall have the power to make ordinances, by-laws or regulations respecting the use and equipment of bicycles on its highways provided that any such ordinances, by-laws or regulations enacted with respect to bicycle equipment shall be at least as stringent as the requirements of RSA 250:11-a through 11-e. A town may require that bicycles be licensed and may charge reasonable fees therefor. If a town has not adopted ordinances or by-laws hereunder, the selectmen shall require that bicycles in the town shall be licensed and equipped as provided in RSA 250:11-a through 11-e.

319:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 320.

AN ACT RELATIVE TO THE AREA SCHOOL CONTRACT BETWEEN THE ROCHESTER SCHOOL DISTRICT AND THE WAKEFIELD SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

320:1 Amendment to Contract. Notwithstanding the provisions of RSA 195-A: 14, the Rochester school board and the Wakefield school board may amend, by mutual agreement, their area school contract so as to include grades nine through twelve only.

320:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 321.

JOINT RESOLUTION REIMBURSING THE MEMBERS OF THE COMMITTEE STUDYING THE ECONOMIC POTENTIALS AND DEVELOPMENT POTENTIALS OF MOUNT SUNAPEE STATE PARK FOR MILEAGE EXPENSE INCURRED.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of twenty-four dollars is hereby appropriated, to be paid members of a study commission established in accordance with Laws of 1969, chapter 541, for compensation for mileage in connection with a meeting held at Mount Sunapee state park in Newbury on January 5, 1971. Mileage shall be paid members at the rate established by RSA 99-A: 1. Said sum hereby appropriated shall be a charge upon the legislative appropriation.

[Approved June 25, 1971.]

CHAPTER 322.

AN ACT ESTABLISHING THE CITY OF GOFFSTOWN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

City Established

322:1 Establishment. The inhabitants of the town of Goffstown, New Hampshire, in the county of Hillsborough, shall continue to be a body corporate and politic under the name, "City of Goffstown."

322:2 Incorporation. As a body politic and corporate, the city of Goffstown shall enjoy all the rights, immunities, powers and privileges and be subject to all duties and liabilities upon them as a municipal corporation. All existing property of the town shall remain vested in the city and all its existing debts and obligations shall remain obligatory upon it after the

adoption of this charter. All existing property assets and liabilities of any and all precincts, excepting the Goffstown Village Precinct, and of all districts within the town of Goffstown shall be vested in the city of Goffstown. All bonded indebtedness of such precincts existing at the time of the adoption of this charter shall be reassessed upon residents living within the bounds of said former precincts until the time indebtedness shall be removed. Method and duration of assessment shall be determined by the city council.

322:3 Wards. The city shall be divided into three wards and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, checklists, elections, and jurors, therein shall be applicable to such wards. As near as is practicable, no ward shall contain people more or less in number than any other ward.

322:4 Ward Boundaries. The city of Goffstown shall consist of three wards divided as follows:

Ward I shall consist of all that land in the city of Goffstown beginning at a point in the center of Roby Road at the New Boston-Goffstown town line: thence North 24 degrees 12 minutes East, 11,800 feet to the intersection of Mountain Road and Lesnyk Drive: thence North 21 degrees 09 minutes East, 3,375 feet to the power transmission line: thence South 77 degrees 24 minutes East, 4,400 feet along the transmission line: thence North 65 degrees 03 minutes East, 3,850 feet to the South shore of Glen Lake: thence North 4 degrees 00 minutes West, 1,025 feet along the transmission line to the Goffstown back road: thence North 32 degrees 27 minutes East, 4,000 feet along the transmission line: thence North 14 degrees 36 minutes West, 12,525 feet along the transmission line to the Goffstown-Dunbarton Town line: thence South 85 degrees 33 minutes West, 17,575 feet along the Goffstown-Dunbarton Town line to the intersection of the Goffstown-Dunbarton-Weare Town lines at the Northwest corner of Goffstown: thence South 4 degrees 53 minutes East, 8,075 feet along the Weare-Goffstown Town line to the intersection of the Goffstown-Weare-New Boston Town lines: thence along the Goffstown-New Boston Town line to the Piscataquog River and down the center of said river to a point on the New Boston-Goffstown Town line said point being: South 30 degrees 49 minutes East, 4,400 feet from the intersection of the Goffstown-Weare-New Boston Town lines: thence South 5 degrees 45 minutes East, 18,025 feet to the point of beginning.

Ward II shall consist of all that land in the city of Goffstown beginning at a point in the center of Roby road at the New Boston-Goffstown Town line: thence North 24 degrees 12 minutes East, 11,800 feet to the intersection of Mountain Road and Lesnyk Drive: thence North 21 degrees 09 minutes East, 3,375 feet to the power transmission line: thence South 77 degrees 24 minutes East, 4,400 feet along the transmission line: thence North 65 degrees 03 minutes East, 3,850 feet to the South shore of Glen Lake: thence North 4 degrees 00 minutes West, 1,025 feet along the transmission line to the Goffstown back road: thence North 32 degrees 27 minutes East, 4,000 feet along the transmission line: thence North 14 degrees 36 minutes West, 12,525 feet along the transmission line to the Goffstown-Dunbarton Town line: thence North 85 degrees 33 minutes East, 16,500 feet along said Goffstown-Dunbarton Town line to the intersection of the Goffstown-Dunbarton-Hooksett Town lines at the Northeast corner of Goffstown: thence South 7 degrees 00 minutes East, 20,715 feet to a point in the center of the Goffstown back road at the Manchester-Goffs-

town Town line: thence South 18 degrees 57 minutes West, 3,225 feet to a point in the center of the Piscataquog River: thence South 42 degrees 54 minutes West, 4,525 feet between Pershing and Foch Street to a second point: thence South 32 degrees 21 minutes West, 6,075 feet through the intersection of Daniel Plummer road and St. Anselms Drive to the Goffstown-Bedford Town line: thence South 84 degrees 48 minutes West, 24,300 feet along the Bedford-Goffstown Town line to the intersection of the Goffstown-Bedford-New Boston Town lines at the Southwest corner of Goffstown: thence North 5 degrees 45 minutes West, 2,125 feet to the point of beginning.

Ward III shall consist of all that land in the city of Goffstown beginning at the intersection of the Manchester-Bedford-Goffstown Town lines at the Southeast corner of Goffstown: thence South 84 degrees 48 minutes West, 8,710 feet along the Bedford-Goffstown Town line to a point: thence North 32 degrees 21 minutes East, 6,075 feet through the intersection of Daniel Plummer Road and St. Anselms Drive to a second point between Pershing and Foch Streets: thence North 42 degrees 54 minutes East, 4,525 feet to a point in the center of Piscataquog River: thence North 18 degrees 57 minutes East, 3,225 feet to a third point in the center of the Goffstown back road at the Manchester-Goffstown Town line: thence South 7 degrees 00 minutes East, 11,050 feet along the Manchester-Goffstown Town line to the point of beginning.

Elections

322: 5 Conduct of Elections. The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at city expense in the same manner as a regular state biennial election on the Tuesday following the first Monday in November of odd numbered years to elect officials as provided for in this charter to be chosen by the qualified voters. The supervisor of the checklist in each ward shall fix the polling place therein and give notice thereof when the checklist for the municipal election is first posted. Said elections shall be held and conducted in the same manner as prescribed by law.

322: 6 Supervisors of the Checklist. The office of selectmen for purposes of election procedures is hereby abolished in the city. All other ward duties pertaining to selectmen shall hereafter be performed in each ward thereof by the supervisors of the checklist, who for all purposes requiring such officers, shall be deemed selectmen of the ward.

322: 7 Ward Officials. Moderators and ward clerks shall hold office for two years; each ward shall at each state biennial election choose one moderator and one ward clerk. Supervisors of the checklist shall hold office for six years; when the term of a supervisor of the checklist is in its final year, the ward in which the supervisor resides shall at the state biennial election choose one supervisor of the checklist. Moderators, ward clerks, and supervisors of the checklist shall hold office until their successors are elected and qualified. Ward officials who hold office at the time the charter becomes fully effective shall hold office until their successors are duly elected, and qualified or as otherwise is provided in this charter.

322: 8 Procedures for Election After Charter Is Adopted.

I. The selectmen of the town of Goffstown shall within seven days from the date of approval of this charter by the town meeting reappoint, one from each ward, the supervisors of the checklist holding office on the date of approval. Each supervisor of the checklist shall be a resident of his

respective ward. Said supervisors shall call the first ward meeting under the new charter for purposes of updating and correcting the checklist. Thereafter, the board supervisors shall annually prepare checklists for their respective wards and perform all other duties respecting the same as required by state law. The supervisor of the checklist shall in each ward fix the polling place therein and give notice thereof.

II. Supervisors of the checklist, being duly sworn, shall perform and discharge respectively the duties of said wards. All supervisors who have been reappointed shall hold office until the first business day in January of 1973, unless the original terms for which they were elected shall extend beyond that date, in which case, they shall serve out the remainder of their terms. If vacancies fall due on the first business day in January of 1973, these vacancies shall be filled at the state biennial election in 1972. Those elected shall meet with the city clerk on the first business day in January of 1973; the city clerk shall supervise procedures, choosing by lot, whereby one supervisor shall have a six year term, one supervisor shall have a four year term, and one supervisor shall have a two year term. If a supervisor of the checklist has time remaining on his original term, he shall be exempted from the above procedures with the city clerk. The city clerk shall see to it that supervisors newly elected in 1972 shall not have a length of term coinciding with the length of terms of the supervisors remaining in office. Thereafter, one supervisor of the checklist, in the ward where the term has expired, shall be elected in the city at each state biennial election.

III. The selectmen of the town of Goffstown shall within seven days from the date of approval of this charter by the town meeting, appoint one moderator and one ward clerk from each ward of the city. Each moderator and ward clerk shall be a resident of his respective ward. Said moderator and ward clerk shall act as election officials of their respective wards for the purpose of the first elections under this charter, and shall conduct said elections according to law.

IV. Moderators and ward clerks, being duly sworn, shall perform and discharge respectively the duties for said wards. All moderators and ward clerks, appointed as above, shall hold office until the first business day in January of 1973. At the state biennial election of 1972, their successors shall be elected for a two year term beginning the first business day of January of 1973, and until others are chosen and qualified to act in their stead.

V. In case of any vacancy in the offices of supervisor of the checklist, moderator, or ward clerk, in any ward in the city, the city council shall fill such vacancy at their first regular meeting after such vacancy occurs. No person, thus appointed, shall hold office beyond the time of the next state biennial election that their successors are duly sworn and qualified to act in their stead.

322:9 Election Workers. Each ward political committee of the two political parties which cast the largest number of votes for governor in the state at the last previous biennial election are authorized between October first and October tenth of each biennial election year to appoint two inspectors of election as additional election officers to act with the clerk and moderator at each polling place. If the number of voters qualified to vote at a polling place shall exceed two thousand, said political committees may each appoint one additional inspector for each fifteen hundred qualified voters, or fraction thereof in excess of two thousand. The political committee shall appoint additional inspectors as the moderator considers necessary for the efficient conduct of the election. The chairman of each political com-

mittee shall, on or before October twelfth, notify said appointees. If any such appointments and notifications are not made as prescribed, the appointments shall be made by the moderator of each ward. Said inspectors of election shall be qualified voters in the said ward and shall be appointed from the designated registered voters of the two political parties. Two of the inspectors, one from each of the two political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots therein and shall furnish them to the voters in the manner herein set forth. Other inspectors shall be assigned such duties in the polling place as the moderator may determine.

322: 10 Duties of Supervisors.

I. All supervisors of checklists in the city of Goffstown shall constitute a board of supervisors of elections of all wards in the city. The board of supervisors shall choose a chairman and clerk from their own number to be elected for a two year term in the January after the state biennial election. Each supervisor shall have been a resident of his ward for one year immediately preceding the date of his election.

II. Said supervisors shall prepare, revise and post up in the manner required by law, an alphabetical list of all the legal voters in each ward, and for that purpose shall have access to any books or lists belonging to said city, or to any ward in said city, and shall have the assistance of any of the city or ward officers they may require, and they shall post an attested copy of the lists of voters so prepared and corrected, in the respective wards, and the said lists of voters so prepared and corrected, and no other, shall be used at the elections in said wards. In preparing the lists of voters said supervisors shall record the first or Christian name and the surname of each voter and his address in full, but may use initial letters to designate the middle name of any voter.

III. Said board shall be in session at such places as they shall designate, for the purpose of revising and correcting the lists of voters, four days for state and three days for other elections, from two until five o'clock in the afternoon and from seven to nine o'clock in the evening of each of said days. Notice of the day, hour, and place of each session shall be given upon the posted checklists. No name shall be added to said lists after the last meeting, except such as may have been left off through mistake, and not then unless the supervisor in attendance in any ward where such omission occurs clearly knew, before the list was made and corrected, that the name thus omitted legally belonged upon it. In the preparation of such lists, said board of supervisors shall have all the power granted, and perform all the duties prescribed by law.

IV. Certified copies of such lists shall be posted within all wards of the city twenty-eight days prior to said election.

V. The board of supervisors shall publish in any local newspaper of general circulation at least three daily notices of the time and place of meetings for the correction of the checklists prior to the date of such meetings.

VI. The checklists as finally corrected shall be held in duplicate, one copy retained by the supervisor in each ward and one copy retained by the city clerk for preservation.

VII. The city council shall determine the compensation of the board of supervisors.

322: 11 Official Ballots. The official ballots prepared by the city clerk for use at the municipal election shall conform as nearly as may be in form

to the ballot prepared by the secretary of state for use at general biennial elections. Upon such official ballots the names of the candidates for each office shall be by lot with party name or designation. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be voted for. At the right of each printed name shall be a square. The voter shall indicate his choice by making a cross in the square at the right of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces. The city clerk shall have the same powers and duties with reference to municipal elections as has the secretary of state with reference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

322:12 Municipal Primary Elections. The candidates for city council, to be elected at biennial elections, shall be nominated at primary elections, hereinafter called primaries, to be held on the first Tuesday after the first Monday in October. The supervisors of the checklist shall give notice thereof when the checklist for the primary is first posted and set polling place. Primaries and municipal elections held under the provisions hereof shall be deemed to be elections within the meaning of all general statutes, penal and otherwise and said statutes shall apply to such elections so far as consistent with the charter of the city of Goffstown.

322:13 Qualification Of Voters And Checklists. Persons who would be qualified to vote in a qualified election if held on the day of a primary or municipal election shall be the qualified voters therein. The board of supervisors of the checklist shall make, post, and correct a checklist for use at each primary in the manner in which checklists are by law required to be prepared for use at regular biennial elections. The checklist so prepared shall be further corrected for use at the succeeding municipal election at a session of the supervisors to be held on the Saturday next preceding such municipal election, notice of which session shall be given on the checklists posted before the preceding primary; and no further posting or notice shall be required before such municipal election.

322:14 Nomination and Election of Candidates.

I. The name of any qualified person for the office of city councilman, shall be printed upon the primary ballots upon his filing with the city clerk, not later than five o'clock in the afternoon of the tenth day before the primary, nor earlier than thirty days before the primary, a declaration of candidacy to read as follows:

I declare that I reside in Ward, in the city of Goffstown, county of Hillsborough, state of New Hampshire, and am a qualified voter therein, that I am a registered member of the party; that I am a candidate for nomination to the office of and that I am a candidate from Ward or a candidate-at-large to be made at the primary election to be held on the day of; and I hereby request that my name be printed on the primary ballot of said party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office I will not withdraw, and that if elected I will qualify and assume the duties of said office.

He shall either pay to the city clerk a filing fee of five dollars or submit petitions in his behalf signed by at least ten qualified voters which shall be filed with the city clerk not later than five o'clock in the afternoon of the tenth day before the primary. The petition shall consist in a form substantially as follows:

I do hereby join in a petition for the publication on the primary ballot of the name of, on the party ballot, residing at to be for the office of as a ward candidate or as a candidate-at-large to be voted for at the primary election to be held by the city of Goffstown on the day of, 19....., and I certify that I am qualified to vote for a candidate for said office, and am not a signer of any other similar petition for any other candidate for the above office; that my residence is (street, ward). I further certify that I believe the above named person is especially qualified to fill said office.

(Signed)

II. Several certificates may be printed on one paper. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements herein made are true to his best knowledge and belief, and that each signature to the paper is the genuine signature of the person whose name it purports to be. No person may run for more than one city office at one biennial municipal election. The city clerk shall furnish upon application a reasonable number of forms of individual certificates of the above character. No primary petition shall be accepted by the city clerk without an endorsement thereon by the candidate consenting to the printing of his name on the primary ballot as requested in the petition. When a primary petition is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, he shall designate the defect and return the petition to the candidate in whose behalf it was filed. Such petition may again be presented when properly amended if this can be done within the time allowed for filing such primary petition.

III. In case no petition is filed by a candidate for any nomination to be voted for at the primary, the nomination may be made by the party committee of the ward or city, as the case may be, by notifying the city clerk before the close of the second business day after the expiration of the time for filing declarations of candidacy. The party committee shall pay the usual filing fee or file the usual number of petitions with the nomination.

322:15 Terms of Office. Terms of office shall begin from the first business day in January next following election and until their successors are chosen and qualified. The term of councilman-at-large shall be two years. The term of ward councilman shall be four years.

322:16 Preparation of Ballots. Names of the three councilmen-at-large candidates of each party receiving the greatest number of votes cast in the city at the primary and the names of the one councilman candidate of each party receiving the greatest number of votes cast in each ward of the city at the primary shall be printed upon the ballot to be used at the succeeding municipal election as nominees for such office. The ballot shall

contain the names, arranged by lot, with appropriate party designation of all nominees of the primary.

322: 17 Hours of Election. The hours between which the polls will be open shall be established by the city council as an ordinance. Notice of these hours must be published in a local newspaper of general circulation once in the week preceding the primary or general election and once on the day preceding the election. These hours shall be published by supervisors of the checklist when they give notice setting the polling places.

322: 18 Procedures. The qualified voters in each ward, at said election, shall give in to the moderator or ward clerk their votes which shall be received, sorted, counted and declared, and the moderator shall make a true and certified copy of the record of the votes and said record, certified also by a majority of the board of supervisors shall be delivered by the moderator to the city clerk within twelve hours after the polls have closed.

322: 19 Ballots, Preservation. All the ballots at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast upon order of any court or the city council.

322: 20 General Elections. Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon written request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. In case of a tie, the votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers. The candidate requesting the recount shall pay a fee of twenty-five dollars to the city clerk at the time he requests the recount. This fee shall be returned to the candidate if it is found after the recount that the candidate was entitled to more votes in his favor than was originally announced. If the recount indicates that the vote was accurate as announced or less than was announced, the fee shall be paid into the general fund of the city.

322: 21 Vacancies. In case a vacancy occurs in the city council from any cause, the city council shall choose some qualified person not already a member of that body to fill the same until the next regular election at which time his successor shall be elected. If the vacancy so filled is that for a four-year term the city clerk in preparing the ballots for the primary and for the next election shall include thereon an additional place for the nomination and election for the unexpired term. Separate filing shall be made for nomination for such unexpired term and the names of the two candidates for councilmen receiving the largest number of votes cast at the primary for said unexpired term shall be printed upon the ballot at the succeeding municipal election as nominees for such office. At the election, the candidate receiving the larger number of votes cast at said election for said office shall be declared elected to fill said unexpired term. A vacancy occurring in the office of chairman of the city council shall be filled by a majority vote of the

council from among the two remaining councilmen-at-large who have been popularly elected until his successor shall be elected.

322: 22 Notice of Election or Appointment. Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed.

322: 23 Oath of Office. Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath as provided by law which shall be filed and kept in the office of the city clerk.

The Governing Body

322: 24 City Council. Except as otherwise provided in this charter all the powers of the city shall be vested in a council of three councilmen-at-large and six ward councilmen, two from each ward to be chosen by the qualified voters thereof. A majority of five members shall constitute a quorum for the transaction of business and the city clerk shall act as clerk of the city council.

322: 25 City Councilmen. Terms of ward councilmen shall be staggered so that one councilman shall be elected from each ward every two years. In the first election held under this charter, the candidate receiving the largest number of votes in a ward shall receive a four-year term and the candidate receiving the next to highest vote in a ward shall receive a two-year term. Thereafter, candidates receiving the largest number of votes in a ward shall receive a four-year term. The term of office of councilman-at-large shall be two years; provided however that there shall be no election of councilmen-at-large at the election in 1971 but the three selectmen of the town of Goffstown in office at the time of the adoption of this charter shall constitute the councilmen-at-large and they shall continue in office as such councilmen-at-large until their successors are elected at the 1973 municipal election and have qualified.

322: 26 Chairman of the City Council. The chairman of the city council shall serve a two-year term having been designated from among the councilmen-at-large receiving the majority vote of all the councilmen at the first regular business meeting in January of the year following the municipal biennial election. If no one councilman-at-large is named chairman on the first ballot, or subsidiary ballots in case of a three way tie, the person receiving the fewest votes is eliminated and the final decision will be made between the remaining two candidates. If no chairman is designated after ten ballots, the chairman shall be selected by lot in a fair and impartial manner as supervised by the city clerk.

322: 27 Duties of the Chairman. The chairman of the city council shall be the official head of the city for all ceremonial purposes; he shall preside at all meetings of the council and may speak and vote; however, when he does speak at council meetings, he must relinquish his chairmanship temporarily to a designated councilman until he is finished speaking. The chairman shall also nominate all members of citizen boards and commissions. All other duties of an administrative nature shall be exercised by the city manager as provided for in this charter. The council shall choose one of its members chairman pro tem, who shall act in the absence or disability of the chairman.

322: 28 Qualifications for Councilmen. No person shall be a candidate for election as a councilman who is not a duly qualified voter in the city. Whenever a councilman during his term as such officer moves from the city, or the ward in the case of ward councilman, and establishes his domicile in some other place, his office as councilman shall be declared vacant and said vacancy shall be filled as provided in section 21. No councilman shall, during his term as councilman, be eligible to hold other municipal salaried office.

322: 29 Organization of City Council. The councilmen so chosen, shall meet on the first business day of January next following their election, in their capacity as the city council, for the purpose of taking their respective oaths of office, organizing, adopting rules for the transaction of business by such council and transacting any other business required by law or ordinance to be transacted at such meeting. The council shall establish its own rules. The city clerk and city treasurer shall be appointed by a majority vote of the city council.

322: 30 Public Meetings. All meetings of the council shall be public except that the council may, upon a vote by two-thirds majority of the council in open meeting, hold a private meeting to discuss or act upon subjects involving pending or threatened litigation where the city is a party or involving personnel in the administrative service of the city.

322: 31 Meeting Time. Regular meetings (holidays excepted) shall be held on the first and third Monday of each month at 7:30 p.m. in city hall.

322: 32 General Powers. Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by general law now in force or hereinafter enacted, or upon the existing board of selectmen of Goffstown, by special laws not hereby repealed. For purposes other than elections, the city council shall have the powers as do selectmen in towns unless otherwise provided. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent or provisions herein appears, it being the purpose of this act to confer upon said council all functions, except such as are specifically transferred to the manager. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided.

322: 33 Ordinances. Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Goffstown ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the chairman of the city council and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the council shall determine. Notwithstanding any other provisions of law, publication for the purposes of this section shall mean the publication of a notice in any local newspaper of general circulation in the city of Goffstown, stating the number and title of the ordinance and either the text of the ordi-

nance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any citizen of Goffstown concerned may obtain a copy of the complete ordinance, and if the full text is not published in the newspapers, the city manager shall make reasonable provisions so that a copy of the complete ordinance shall be obtainable without charge, at least four days prior to the time set for the public hearing by any citizen who may request the same.

322: 33-a Referendum on Ordinances.

I. Upon a petition which clearly states the name of the ordinance, the text of the ordinance, a brief paragraph explaining the purpose of the ordinance, and a brief paragraph explaining the question raised by the petition, a special referendum shall be held to consider any new ordinance or any amendments to existing ordinances which have come before the city council for a vote and have either been approved or rejected. The petition, containing the names of twenty percent of the voters on the checklist, must be received by the city clerk within thirty days after the council's action. Within ten days after the petition has been received, the city clerk must certify that the petition contains the proper number of names and that the names appear on the checklist as of the date the petition is filed. Each ordinance or amendment in question must be listed on a separate petition and each ordinance or amendment in question must be listed separately on the referendum ballot. Upon certification, the city clerk must call the special referendum within thirty days; however, if a primary or general election is scheduled within sixty days after the city clerk has certified the petitions, the special referendum may be held concurrent with that election at the discretion of the city clerk.

II. On the referendum ballot, the following question shall be submitted to the voters: "Shall the action of the city council of the city of Goffstown approving (or, rejecting) the ordinance listed below be ratified by the voters of Goffstown?" Thereafter, the full text of the ordinance and a statement summarizing the ordinance in question shall be inserted. If a majority of those voting on the question vote "Yes", the action of the city council shall continue in force. If the majority of those voting on the question vote "No", the action of the city council shall be reversed. If the action of the city council is reversed, all previous actions under the ordinance or amendment in question shall also be reversed.

322: 34 Compensation. Each city councilman shall be compensated per meeting based upon attendance in the following manner: no councilman shall be compensated for the first ten regular meetings which he attends, but each councilman shall be compensated in the sum of twenty dollars for each regular meeting he attends over and above the first ten regular meetings. Compensation shall not be made for attending committee meetings of the council. Attendance at a meeting shall be defined as full participation in the meeting. The city clerk shall keep the records of attendance.

322: 35 Official Interest in Contracts. No elective or appointive officer or employee of the city shall take part in a decision concerning the business of the city in which he has a financial interest aside from his salary as such officer or employee direct, or indirect, greater than any other citizen or taxpayer.

322: 36 Dealings of Councilmen With City. No councilman, or other official shall sell to or buy from the city any goods or services while in office other than by open competitive public bid.

322:37 Removal of Councilman. The city council may, on specific charges and after due notice hearing, or any time remove from office one of its own members for just cause upon affirmative vote on roll call of at least two-thirds of all councilmen elected. A vacancy occasioned by removal under this section shall be filled in the manner provided in section 21 of this charter.

322:38 Appointive Power of the Chairman and Councilmen. The chairman shall have the power to appoint and remove, subject to a majority concurrence of the council, all members of boards and committees already established or as hereafter established by ordinance or state statute.

322:39 Salaries. The city council of the city of Goffstown is hereby empowered to fix a scale of salaries to be paid to all officials, employees, and agents of said city of Goffstown in accordance with the provisions of this charter. Provided, that the city council shall not fix the salaries of its members. The council shall designate positions as to the range of salary to be paid to employees by the city manager.

322:40 Procedure to Fix Salaries. No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had two separate readings in said council, only one reading at any meeting of said council, and shall have received the votes of at least two-thirds of all the members elected to said council upon its final passage.

322:41 Other Offices. No councilman shall, during his term as councilman, be eligible to hold any other municipal office except chairman of the council. This section shall not be construed to prevent any councilman from also serving as a call member of the fire department. Nor shall he be appointed to any paid or salaried position or office of the city until he has been retired as a councilman for three or more years.

School District

322:42 School District. The school district of Goffstown, as heretofore established by law, is hereby continued, with all the rights, immunities, powers and privileges, and subject to all the duties and liabilities as are established by general law and this charter for the government of school districts and municipal corporations. All existing property of the district shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it.

322:43 Governing Body. All the powers of the district, except as herein provided, are vested in a school board of nine members, each serving a three-year term. Three members of the school board, one from each ward, shall be elected at each election. The members of the school board continuing in office and those newly elected shall meet at eight o'clock in the evening of the first business day of January in each year for the purpose of newly elected members taking their oaths, organizing for the ensuing year and adopting rules for the transaction of business. The school board shall elect by majority vote from their own number a chairman and a secretary. If there is a vacancy in the office of chairman, the board shall choose one of its members to serve for the unexpired term. The treasurer of the city of Goffstown shall also be treasurer of the school district of said city, and all checks authorized by said school district shall be issued by the treasurer upon warrant certified by said school board and countersigned by such member of said school board as may be officially designated.

322: 44 Elections. The election officers in each ward whose duty it is to conduct regular elections shall conduct an election, as herein provided, to elect three members of the school board of the Goffstown school district to serve terms of three years each. For the purposes of this election, the voters in the several wards shall cast their ballots in their respective wards for the election of members of the school board in such convenient places as may be designated by the supervisors of the checklist and provided by the district. Candidates for election to the school board shall be nominated at the primaries. The six candidates, two from each ward, receiving the highest number of votes at the primary shall be placed on the November election ballot. The first primary election under this charter shall be held on the Tuesday after the first Monday in October, 1971. All board members elected prior to the effective date of this act shall continue in office until their terms have expired.

At the biennial municipal election to be held in accordance with the provisions of this charter in 1971, all vacancies shall be filled on the school board and terms shall be arranged in such a way that they are staggered in accordance with the charter. All decisions of such a nature shall be made by the drawing of lots. All members holding office at the time of the passage of this act or to be elected under the provisions of this section shall continue to serve until their successors are elected and qualified. The names for candidates for school board shall appear on the primary and regular election ballots without any political designation whatsoever; and provided further, that the ballot for school board shall contain the names only of such residents of Goffstown as shall have filed with the city clerk, not less than ten days before the date of the primary election a written notice of intention to be a candidate at such election. Vacancies occurring in said school board from any cause shall be filled by majority vote of the school board for the unexpired term. No person shall be a candidate for office who is not a resident of the ward from which he is a candidate. All other election provisions of this charter shall apply to school board elections.

322: 45 School Affairs. The school district of the town of Goffstown as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the city manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency. The school district shall submit an annual budget to the council not later than one hundred fifty days before the start of the fiscal year. The council shall have the power with respect to such school district budget to approve or disapprove the total amount of the school budget but not to make any line item budget changes or to recommend any line item changes. Beyond the power to approve the total amount of the budget, the city council shall have no power to interfere in the policy making powers of the school authority as presently constituted or to have any other powers of any kind with respect to the school district, unless herein provided. If the city council does not approve the total recommended sum of the school budget, the school district must submit another budget by the next regularly scheduled city council meeting.

322: 46 Qualification of Voters. Persons residing in the district who would be qualified to vote in a biennial election if held on the day of such

district election shall be the qualified voters therein. All procedures that shall apply to municipal elections shall apply to school board elections.

322: 47 Preparation of Ballots. The city clerk shall prepare all ballots to be used at the district elections. The ballot shall contain the names, chosen by lot as to order of appearance on the ballot, without party designation, of all persons who file with the city clerk as candidates for the office of member of the school board not sooner than the thirtieth day nor later than the tenth day before the primary election.

322: 48 Contested Elections. Within seven days after a district election the school board shall canvass the votes cast, and the candidates receiving the highest number of votes shall be declared elected to fill the vacancies occurring on the school board. Within seven days after said declaration the school board upon request of any candidate, shall recount the ballots cast in the election and hear and determine any contest. The school board's decision in such contested elections shall be final. The votes for any school board office shall be resolved by lot in a manner to be determined by the school board. In the event of a vacancy occurring on the school board by death, resignation or other reason, said vacancy shall be filled for the remaining period of the unexpired term at the district election next following the occurrence of the vacancy, in the same manner as provided herein. In the event of such a vacancy, the school board may by majority vote appoint some qualified voter in the district to serve as interim member of the school board until the vacancy can be filled by an election as above provided.

322: 49 Qualifications of Board Members. No person shall be a candidate for election as member of the school board who is not a duly qualified voter in the district. Whenever a school board member during his term shall move away from the district, the school board shall declare his seat vacant and shall fill the vacancy as herein provided. Employees of the school district may not serve on the school board.

322: 50 Compensation. Members of the school board shall receive one hundred dollars per annum in full for their services.

322: 51 Public Meetings. Regular meetings of the school board shall be public. Regular meetings shall be held monthly and special meetings shall be held on call of the chairman or on written request of at least five members of the school board. The school board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Provisions concerning public meetings of the city council shall apply to the school board.

322: 52 Action by Resolution. District legislation shall be by resolution, adopted by a majority vote of those present, which shall be recorded by some officer or employee of the district designated by the school board, and which shall be available to public inspection at the offices of the district during reasonable business hours. In the adoption of resolutions, the chairman of the school board shall have a voice and vote in the determination.

322: 53 General Powers. Except as herein otherwise provided, the school board hereby established shall have and exercise all the powers and discharge all the duties conferred on or imposed upon school boards, school district and school committees in general law now in force or hereinafter enacted.

322: 54 District Meeting Abolished. All provisions of law relating to the annual meeting of Goffstown school district are hereby repealed, so far as they are inconsistent with the intents and provisions of this act.

322: 55 Finances. The fiscal and budget year of the district shall begin on the first day of July. The city treasurer shall maintain accounting control over the finances of the district, make financial reports, and shall audit and approve all claims against the district before paying the same.

322: 56 Budget Procedure. The school board shall timely prepare an annual estimate of the district's expenditures for the ensuing fiscal year, itemized in such detail as may be required by the state board of education. A public hearing on this budget shall be held by the school board before the city council not later than one hundred fifty days prior to the beginning of the fiscal year, public announcement of the time and place of which shall be duly advertised not less than ten days prior to such hearing. The budget appropriation shall be made by the city council not later than ninety days prior to the beginning of the fiscal year for which it shall apply. No additional appropriation shall be made for any purpose not included in the annual budget as adopted, unless voted by seven members of the school board after a public hearing held to discuss such additional appropriations and submitted to the city council for approval.

322: 57 Use of Funds. After the annual budget has been adopted by the school board and the city council, it shall be a charge upon the polls and ratable estates of the district in the same manner as a budget adopted by the city council for the city of Goffstown. A tax warrant signed by the chairman of the school board, with the authorization of a majority of said school board, shall be timely served upon the board of assessors and tax collector of the city of Goffstown, for the collection of taxes within the district necessary for the support of the district. The chairman of the school board, or some officer designated by the board, shall from time to time as the occasion requires it, draw upon the treasurer of the city of Goffstown for funds necessary for the support of the district. After the annual budget has been adopted no money shall be drawn from the district treasury, nor any obligation for the expenditure of money or property of the district be incurred; except pursuant to a budget appropriation, unless there shall be a specific additional appropriation therefor. The city treasurer shall designate a depository or depositories for district funds.

322: 58 Independent Audit. An independent audit shall be made of all accounts of the district at least annually, and more frequently if deemed necessary by the board. Such audit shall be made by a certified public accountant, except that an audit made by employees of the state board of education or the state tax commission may be deemed sufficient to meet the requirements of this section. Any district officer or employee may be required by the school board to give a bond for the faithful performance of his duties, and all officers or employees of the district receiving or disbursing district funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums shall be paid by the district, and the bonds shall be filed with the chief administrative officer of the district designated by the school board.

322: 59 Borrowing. Subject to the applicable provisions of general law, the school board, after a public hearing may, by resolution approved by at least six of its members, request from the city council power to bor-

row funds for specified purposes for use by the school district. A vote of six members of the city council is required for approval. This vote must be taken within forty-five days after the request is submitted and after a public hearing held during this time. The school board must be notified of the decision of the city council within ten days of that decision. If the borrowing power is approved by the city council, the school board may authorize the borrowing of money for any purpose within the scope of the powers vested in the district and may issue bonds of the district or other evidences of indebtedness therefor, and may pledge the full faith, credit and resources of the district for the payment of the obligations created thereby. The school board shall have the authority, when issuing bonds or other obligations of the district, to negotiate with the city of Goffstown for the use of its facilities and credit.

322: 60 Oath of Office. Every person elected or appointed to any district office, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by law, which shall be filed and kept in the office of the district. Written notice of election or appointment of any district officer shall be mailed to him at his address by the district clerk or some other person designated by the school board, within forty-eight hours after the appointment is made or the vote is canvassed.

322: 61 Conflict of Interest. No elective or appointive officer of the district shall take part in a decision concerning the business of the district in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer. No officer or employee shall devote any district property or labor to private use, except as may be provided by law or resolution of the school board.

322: 62 Claims. No action at law or bill in equity for money or damages claimed due shall be sustained against the district unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the principal office of the district not less than sixty days prior to the commencement of said action at law or bill in equity.

322: 63 Miscellaneous Provisions. All records of the district shall be public. Any person who violates any provision of this act, unless otherwise provided, or who violates any resolution of the school board for which no other punishment is provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding sixty days, or both. All general law relative to the government of school district and the powers of school boards, with the exception of such provisions as may be inconsistent with this act, is hereby continued in force.

Administrative Service

322: 64 Manager. The city council shall appoint an officer of the city of Goffstown who shall have the title of city manager and who shall have the powers and duties hereinafter provided. He shall be appointed by the votes of six members of the council. The first council elected under this charter shall appoint a manager within four months after the first council under this charter sits in its first business session.

322: 65 Appointment, Term and Qualifications. The manager shall be selected with special reference to his education, training, and experience to perform the duties of his office, and without reference to his political

belief, shall be appointed for an indefinite period and shall be removable at the pleasure of the appointing body, and his authority may be likewise temporarily suspended if in the judgment of said body such action is for the best interest of the city. Any person so appointed need not be a resident of the city or state at the time of his appointment. No person who has within three years been elected by popular vote to any office in the city shall be chosen manager.

322: 66 Removal. The manager may be removed by a vote of six members of the council as herein provided. At least fifteen days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefor, a copy of which shall be served forthwith on the manager. Upon or after passage of such a resolution, the council may suspend him from duty, but his pay shall continue until removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than ninety days. The action of the council in removing the manager shall be final.

322: 67 Oath and Bond. Before entering upon the duties of his office the city manager shall be sworn to the faithful and impartial performance thereof, and a certificate to that effect shall be filed with the city clerk; and he shall execute a bond in favor of the city for the faithful performance of his duties in such sum and with surety as may be determined by the appointing body. The premium on such bond shall be paid by the municipality.

322: 68 General Authority. The city manager shall have general supervision of the property and business affairs of the city and expenditure of all moneys appropriated by it for city purposes; but his authority shall not extend to the calling of elections, making bylaws or ordinances, borrowing money, assessing taxes, assessing damages, or any other function of a judicial character vested by law in the city council, or other legal bodies, nor shall he supervise the office of city clerk or city treasurer.

322: 69 Powers and Duties in Particular. The city manager shall have the power and it shall be his duty:

I. To organize, continue, or discontinue such departments as the governing body of the city may determine.

II. To appoint, upon merit and fitness alone, and to remove all subordinate officials, employees, and agents under his control and to fix their compensation as provided for under section 39.

III. He shall have the right to be present at all meetings of the governing body and committees thereof, except when his removal or suspension is being discussed, and shall attend any such meeting upon request.

IV. To keep full and complete records of the doings of his office and to render to the governing body an itemized monthly report showing in detail the receipts and disbursements of the preceding month, and annually or oftener at the request of the governing body, to make a synopsis of all records for publication.

V. To keep the governing body fully advised as to the needs of the city, within the scope of his duties, and to furnish them at least ninety days before the close of the city's fiscal year a careful detailed estimate in writing of the probable expenditures of the city for the ensuing fiscal year, stating the amount required to meet the interest of maturing bonds and notes

or other outstanding indebtedness of the city; and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources required to be levied and raised by taxation to defray the expenses and liabilities of the city. To enable the city manager to make up the annual estimate of the expenditures all boards, officers, and committees of the city shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year.

VI. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employee thereof; and for the purpose he shall have access to all books and papers of such department for the information necessary for the proper performance of his duties.

VII. The manager shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter, and the laws of the state. He shall keep the council informed of the conditions and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right to take part in the discussion of all matters coming before the council, but not the right to vote.

VIII. To administer the poor relief of the city either directly or through a person or persons appointed by him, and under the supervision of the governing body.

IX. To perform such other duties, consistent with his office, as may be required of him by vote of the governing body.

322:70 Approval of Vouchers. No payment of money on account of any department of which the city manager has supervision shall be made except upon vouchers approved by him or his designated agent; provided, however, that in the event of his absence, disability, or suspension, the governing body may itself approve such vouchers, or authorize such approval by some other person.

322:71 Accountability. The city manager shall be responsible to the city council for the proper and efficient administration of the departments under his control. Neither the city council, or any of their committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with him or prevent him from exercising his own judgment in the appointment and discharge of officers and employees in the administrative service. Except for the purpose of inquiry the city council and its members shall deal with the administrative service solely through the city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager either publicly or privately. Any such dictation, prevention, orders, or other interference with the administration of the city manager shall be deemed to be a misdemeanor, and upon conviction thereof any

member of the city council shall forfeit his office and be fined not exceeding five hundred dollars or imprisoned not exceeding one month, or both.

322: 72 Vacancy in Office. Any vacancy in the office of city manager shall be filled as soon as practicable by the city council and pending such appointment, or in case of the manager's absence, disability, or suspension, they shall designate some person to perform the duties of the office. In no case shall this period exceed one hundred twenty days.

322: 73 Appointive Power of Manager. The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city except the city clerk and city treasurer, but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

322: 74 Commissions. All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished but this authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

322: 75 Administrative Departments. The first manager under this charter shall draft and submit to the council within nine months after assuming office an ordinance dividing the administrative service of the city into departments, divisions, and bureaus and defining the functions and duties of each. After the adoption of that ordinance, upon recommendations of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions, and bureaus of the city and define or alter their functions and duties. Such ordinances shall be known as the "administrative code." Each officer shall have supervision and control of his department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, or the administrative code. Pending passage of such code the manager may establish temporary regulations.

322: 76 Purchasing Procedure. The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases of similar articles by different departments, and purchasing by competitive bids wherever practical.

322: 77 Acting City Manager. If the city manager is temporarily incapacitated or unable to act from any cause, the city council may appoint an acting manager to serve at the pleasure of the council. Said acting manager shall have all the powers and perform all duties of the city manager during his incapacity or inability to act. Said acting manager shall be paid such salary for his services hereunder as may be prescribed by the city council.

322: 78 Fiscal Year. The fiscal and budget year of the city shall begin on the first day of July, unless another date shall be fixed by ordinance.

322: 79 Financial Control. The manager shall appoint an officer other than the treasurer who shall maintain accounting control over the finances of the city, make financial reports, and perform such other duties as may be required by the administrative code.

322: 80 Budget Procedure. At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control to the manager, who shall submit them, with his recommended budget to the council ninety days before the start of the fiscal year, which shall be the budget submitted to the public hearing, unless another date shall be fixed by ordinance.

322: 81 Budget Hearing. A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing, together with a copy of the budget as submitted, shall be posted in each ward and published once, at least one week in advance by the city clerk. The proposed budget shall not be acted upon by the council until at least seven days after the public budget hearing.

322: 82 Date of Adoption. The budget shall be finally adopted not later than June fifteenth for the next fiscal year, unless another date shall be fixed by ordinance.

322: 83 Appropriations after Budget is Adopted. No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds majority of the council after a public hearing held to discuss said appropriation. The council shall, by resolution, designate the source of any money so appropriated. The public hearing for this and other purposes may be held at the time of the regular council meeting.

322: 84 Budget Control. At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses; and if it shall appear that the income is less than anticipated, the council or manager may reduce the appropriation for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as he shall prescribe.

322: 85 Transfer of Appropriations. After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department, with the approval of the manager, may transfer any unencumbered balance of any portion thereof from one fund or agency within his department to another fund or agency within his department. The manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

322: 86 Depository. The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city

moneys. The council may provide for such security for city deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

322: 87 Independent Audit. An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants, experienced in municipal accounting, or by state tax commission or its representatives. An abstract of the result of such audit shall be made public. At least once every five years the council shall request that such audit be made by the state tax commission or by auditors selected by said commission if then authorized by law to make such audit. An annual report of the city's business for the preceding fiscal year shall be made available not later than December thirtieth.

322: 88 Official Bonds. Any city officer elected or appointed by authority of this charter may be required by the manager to give a bond to be approved by legal counsel for the city for the faithful performance of the duties of his office, but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

322: 89 Borrowing Procedure. Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, six members of the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after duly advertised public hearing, but final action shall be deferred until at least three days after said hearing.

322: 90 False Audit, Penalty. If the auditor provided for under section 87 above, or other officials dealing with the financial affairs of the city, shall knowingly make a false certification in any case provided for in section 87 or approve any bill when the appropriation for which the same should be paid is exhausted, he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

322: 91 Unauthorized Payment, Penalty. If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the auditor, he shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both and shall be personally bound to refund to the city any sum so paid.

322: 92 Certification of Compensation. No compensation shall be paid without certification by the manager, or such officer as he may direct, that the recipients are employed by the city and that their rates of compensation comply with pay schedule provided for in section 39. If such officer approves payment not in conformity therewith, he and his surety shall be liable for the amount of such payments.

322: 93 Taxpayers Remedy. A taxpayer may maintain a civil action to restrain payment of compensation to persons lawfully appointed or em-

ployed to recover for the city sums paid contrary to the provisions of this charter.

322: 94 Employees When Charter Adopted. No employee of the city at the time this charter is adopted shall be required to take any examination in order to continue within the employment of the city.

322: 95 Private Use of Public Property. No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

322: 96 Liability for Discharge. The removal in accordance with this charter with, or without cause, of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

322: 96-a Limitation. Nothing in this act shall be construed as repealing the provisions of Laws 1959, Chapter 393 relative to regulation of the Goffstown police department, provided that where duties are imposed by said chapter on the board of selectmen the council of the city of Goffstown shall have said powers of the board of selectmen.

Miscellaneous Provisions

322: 97 Notice of Claim. No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

322: 98 District Court. The Goffstown district court as at present constituted is hereby continued.

322: 99 Use of Streets by Public Utilities. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

322: 100 Vacancy Defined. In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony or is judicially declared to be mentally incompetent.

322: 101 Violations. All violations of provisions of this charter unless otherwise provided are hereby declared to be misdemeanors and all such violations of city ordinances for which no other punishment is provided shall be punished by fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, at the discretion of the court.

322: 102 Days Defined. Unless otherwise specifically stated, a day for all purposes of this charter shall mean a calendar day.

322: 103 Public Records. All books of account, in relation to the receipt, holding or disbursement of money of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from office. All books pertaining to city affairs kept by

the city manager, city clerk, or other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city.

322:104 Excessive Expenditure Penalty. If any officer, board or commission or member thereof, of said city, having authority to make contracts or expend money in behalf of the city shall, by making any contract, purchasing any goods or employing any labor, or otherwise undertake to make the city liable for any amount in excess of the funds available therefor from income or appropriation, said officer, board or commission, or member thereof, shall be removed from office by the city council after due hearing.

322:105 Trust Funds. Trust funds of the city of Goffstown shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be nominated by the chairman of the council with the approval of the council each year for a term of three years. The appointment of a trustee hereunder shall not be effective until it has been confirmed by vote of at least two thirds of the membership of the council. Said trustees shall invest such funds in securities legal for investment by mutual savings banks of this state. Nothing herein shall be construed as affecting the term of office of the trustees of trust funds in office at the time of the passage of this act.

322:106 Capital Reserve Funds. The city council may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or specific items of equipment, or (b) the construction, or acquisition of a type of capital improvement or the acquisition of a type of equipment. The size and regulation of capital reserve funds shall be in accordance with state law.

322:107 Fees. No officer or employee of the city shall collect any fees or perquisites for his own use, but all such fees or perquisites collectable under law shall be paid into the city treasury.

322:108 Council Resolution on Special Assessments. The council shall have the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessment shall be levied. If expenditures are to exceed one thousand dollars, a public hearing shall be held, action to be taken by the council not earlier than seven days after said hearing.

322:109 Special Assessment Procedure Fixed by Ordinance. The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of error.

the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

322: 110 Competitive Bids on Certain Projects. Upon the receipt of a request or petition for construction of any buildings, roads, streets, side-walks, sewers, water or other facilities and utilities in the city of Goffstown, for which the petitioner would be responsible for assuming and paying any part of the costs thereof, if the estimated cost of furnishing materials and/or providing labor for same shall exceed the sum of one thousand dollars, competitive public bid shall be required for such project. If the city of Goffstown is desirous of furnishing the materials and/or providing the labor for such project, the city, subject to the same terms, conditions and provisions as are applicable to other bidders, may submit bids on same.

Savings Clauses and Adoption of Charter

322: 111 Saving Clause. So much of the previous charter of the town of Goffstown as is now in force relative to the constitution, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter; but all special legislation relative to the government of the city, not herein expressly saved, is hereby repealed. All general laws relative to the government of cities shall be in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force as far as the same can be applied consistently with the intents and purpose of this charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to bodies or officers hereby abolished and superseded, altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this charter or by the administrative code.

322: 112 Saving Clause Municipal Legislation. All ordinances and bylaws of the town of Goffstown or its selectmen shall continue in force until altered or repealed, except where a contrary intent herein appears.

322: 113 Tenure of Office. The incumbents when this charter takes effect, who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished as superseded by lawful ordinances.

322: 114 Representatives. Representatives to the general court from the city of Goffstown shall be chosen at large.

322: 115 Repeal or Amendment. No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed. Any amendment to this charter must be submitted to the voters for their approval. Amendments may be placed on the ballot by a duly authorized charter review commission or upon petition to the city council by four hundred fifty citizens whose names appear on the most recently updated checklist. The petition must clearly state the amendment.

It must be submitted to the council at least forty-five days before the annual election.

322:116 Separability Clause. The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

322:117 Referendum. This act shall not take effect unless it is adopted by majority vote at a special town meeting to be held September 14, 1971 at 8:00 p.m. at Goffstown's Senior High School gymnasium. The town clerk then in office shall cause a special ballot to be prepared with the following question thereon: "Shall the provisions of an act entitled 'An Act establishing the city of Goffstown' passed at the 1971 session of the general court, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of those present and voting on this question at said special meeting vote in the affirmative on this question this act shall be declared to have been adopted. The town clerk shall within ten days of said meeting certify to the secretary of state the result of the vote on the above question.

322:118 Effective Date. The provisions of section 117 of this act shall take effect upon its passage. If the charter is adopted by the voters as provided in section 117 the remaining provisions of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect as hereinabove provided; for all other purposes, this act shall take effect on the first business day in January, 1972, except that the fiscal year under the charter shall not begin until July 1, 1972. Until the first city manager is appointed the council may make interim arrangements for the preparation of the budget. Approval of the first school budget under this act shall be by the procedures established herein.

[Approved June 25, 1971.]

[Effective date. Section 117 of act effective June 25, 1971. Remainder of act shall take effect as provided in section 118.]

CHAPTER 323.

AN ACT RELATING TO PUBLIC DISPOSAL FACILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

323:1 Disposal Facilities Required. Amend RSA 147:23 as amended by 1955, 275:2 by striking out said section and inserting in place thereof the following:

147:23 Public Disposal Facilities. Each town and city shall provide and maintain public disposal facilities for the depositing of garbage, refuse, manure and putrescible materials. Any such facility shall be accessible to the public at least one day each week and on such days and at such hours as the selectmen, board of health or corresponding public officer may determine.

323:2 Exemption. Amend RSA 147:23-a as inserted by 1955, 275:3 and amended by 1961, 222:1 by striking out said section and inserting in place thereof the following:

147:23-a Exemption. Upon written request from the selectmen, board of health or corresponding public officer, the department of health and welfare, division of public health services, may exempt a town or city from the requirements of RSA 147:23. When considering the request for an exemption the division of public health services shall consider the need of such facilities in light of the town's density of population and whether or not the town or city has arranged to share public disposal facilities with others as provided by RSA 53-A or is a participating member of a regional refuse disposal district as provided in RSA 53-B.

323:3 Definitions. Amend RSA 147:24 (supp) as amended by 1965, 201:2 by striking out said section and inserting in place thereof the following:

147:24 Terms Defined. As used in this subdivision the following words shall be construed as follows:

I. The term "garbage" means every accumulation of animal, vegetable, or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, or wrappers wasted along with such materials.

II. The term "manure" means that particular refuse which is the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grains, or leaves and exclusive of human excrement.

III. The term "putrescible material" means human excrement and putrescible material as defined in RSA 147:33.

IV. The term "refuse" means and includes any waste product solid or having the character of solids rather than liquid in that it will not flow readily without additional liquid and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit or other vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or the carcasses of animals; tree or shrub trimmings, grass clippings; brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

V. The term "public disposal facilities" means a site, location, or tract of land upon which exists the complete process required for the disposal of any garbage, manure, putrescible materials and refuse and shall include all tools, equipment, treatment space, buildings, structures, appurtenances and materials required to take garbage and refuse from a collector or private scavenger at the premises line or other designated transfer points of a disposal area and bury, burn, destroy or otherwise dispose of such materials in an acceptable sanitary manner as not to create a nuisance.

323:4 Approval. Amend RSA 147:25 as amended by 1955, 275:4 and 1961, 222:1 by striking out said section and inserting in place thereof the following:

147: 25 Approval Required. Before any public or private premises within the limits of a town or city shall be utilized as a public disposal facility, the selectmen, board of health or corresponding public officer, shall have received written approval from the department of health and welfare, division of public health services. An application for approval shall contain plans and specifications fully describing the disposal facility; the processes and methods to be employed for treatment and disposal; equipment to be provided and such other information as required by regulations promulgated pursuant to RSA 147: 28. In granting site approval the division shall take into consideration the potential for air and water pollution, fire hazards, nearness to private dwellings and to interstate and primary highway systems.

323: 5 Maintenance of Site. Amend RSA 147: 26 as amended by 1955, 275: 6 by striking out said section and inserting in place thereof the following:

147: 26 Maintenance. A town or city which maintains or any person who permits the use of any land as a public disposal facility shall provide for the proper covering or incineration of all animal and vegetable matter deposited thereon, and the deposition of other waste material as defined in RSA 147: 24 in an acceptable sanitary manner as not to create a nuisance. Disposal methods shall be carried out according to regulations promulgated under RSA 147: 28.

323: 6 Fees. Amend RSA 147 by inserting after section 26 the following new section:

147: 26-a [New] Fees. A town or city providing facilities for the disposal of putrescible material, animal manure and industrial waste as defined in RSA 149: 1 shall have the power to make by-laws governing such facility and fix reasonable rates for its use.

323: 7 Regulations. Amend RSA 147: 28 as amended by 1955, 275: 5 and 1961, 222: 1 by striking out said section and inserting in place thereof the following:

147: 28 Control Measures—Regulations. The director, division of public health services, shall be empowered to adopt control measures in the form of regulations relating to public disposal facilities. Such regulations shall include matters pertaining to health, air and water pollution, fire hazards, nearness to private dwellings and to interstate and primary highway systems as well as acceptable disposal procedures. A copy of current regulations shall be forwarded to the boards of health of all towns and cities. A reasonable period of time shall be allowed for regulation compliance.

323: 8 Interstate Disposal. Amend RSA 147: 28-a (supp) as inserted by 1965, 201: 4 by striking out said section and inserting in place thereof the following:

147: 28-a Certain Commercial Disposal Prohibited. No person, company, corporation or interest engaged in the business of collecting and disposal of garbage, manure, putrescible materials, or refuse, for a consideration from out-of-state residences or business facilities shall deposit such material on a public disposal facility in this state. Whoever shall violate a provision of this section shall be fined one hundred dollars for each offense.

323: 9 Out-of-State Disposal—Exemption. Amend RSA 147 by inserting after 147: 28-a the following new section:

147:28-b [New] Exemption. Nothing in RSA 147:28-a shall be construed to prohibit the disposal of out-of-state garbage, manure, putrescible materials or refuse at a public disposal facility provided the out-of-state city or town or origin is a participating member of a New Hampshire regional refuse disposal district as provided in RSA 53-B, or has arranged to share public disposal facilities with a New Hampshire city or town.

323:10 Private Disposal Sites. Amend RSA 147:30-a (supp) as inserted by 1965, 201:3 by striking out said section and inserting in place thereof the following:

147:30-a Definition. The term "private disposal site" means any site, location, tract of land, area, building, structure or premises owned and maintained by a person, company, corporation or interest which is used or intended to be used for the depositing or disposing by burying, incinerating or other means of garbage, manure, putrescible material, or refuse as defined in RSA 147:24, provided such site is not being designated for public dumping.

323:11 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 324.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF PUBLIC REFUSE DISPOSAL FACILITIES UNDER CERTAIN CONDITIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

324:1 State Assistance to Certain Towns. Amend RSA 147 by inserting after section 23-a the following new sections:

147:23-b [New] Limitation on Exemptions. No exemption which extends beyond July 1, 1973 shall be granted under RSA 147:23-a or under any other provision of law, unless the governing board of the town certifies to the department of health and welfare, division of public health services, that the town:

I. Has no location within its boundaries suitable for a solid waste disposal facility.

II. Has been unable to enter into an agreement pursuant to RSA 53-a or 53-b with another town.

III. Has been unable to enter into any agreement with any other public or private entity for disposal of its solid waste.

147:23-c [New] Investigation and Findings. The division of public health services shall within thirty days after receiving such certification, investigate the reason for the town's inability to comply with the provisions of RSA 147:23. Following such investigation the division shall provide a copy of its findings and decision to the governing board of the town which requested the exemption.

147: 23-d [New] Decision and Public Hearing. A decision by the division of public health services that the town in fact qualifies for an exemption pursuant to RSA 147: 23-c shall be brought to the attention of the inhabitants of the town at an appropriately warned public hearing conducted in the town. The division of public health services shall send an employee of the division to the hearing to present the findings and decision made by the division.

147: 23-e [New] Assistance of State. The division of public health services shall for one year following its decision, provide to the town such technical and administrative assistance as may be required to resolve its solid waste disposal problem.

147: 23-f [New] Inability to Comply. Any town which is unable to resolve its solid waste disposal problem at the expiration of the one year assistance period, shall thereafter have its disposal facilities resolved exclusively by the state as hereafter provided.

147: 23-g [New] Eminent Domain. The commissioner of the department of health and welfare shall through the division of public health services plan, finance, acquire, construct and put into operational condition refuse disposal facilities for any town which is subject to the provisions of RSA 147: 23-f. The commissioner shall have the powers of eminent domain for the purpose of this chapter. In the selection of a site for refuse disposal facilities, the maintenance of environmental quality shall be of prime concern, and a public hearing shall be held prior to the acquisition of land for such purpose. Land so acquired shall be taken in the name of the state and shall not be taxable.

147: 23-h [New] Appeal. Any town which is aggrieved by the decision of the division of public health services may institute appropriate proceedings in law or equity to enjoin the state from proceeding further under this chapter, if such proceeding would cause irreparable harm, or if the inability of the town to comply is found by the court to be beyond its power to do so.

147: 23-i [New] Facility Construction. The specifications for and construction of the refuse disposal facility shall be the sole responsibility of the division of public health services.

147: 23-j [New] Cost to State. Where a refuse disposal facility is completed and declared operational by the division of public health services, it shall be operated thereafter by the town. The site acquisition and construction costs connected therewith shall be calculated and submitted to the governing board of the town.

147: 23-k [New] Debt Payment by Town. Annually for twenty years the town shall pay to the state of New Hampshire one-twentieth of the principal sum submitted to the governing board pursuant to RSA 147: 23-j. The attorney general shall, upon the failure of any town to make payment hereunder, and upon recommendation of the division of public health services, cause an action of debt to be instituted in the superior court of Merrimack county against said town.

147: 23-l [New] Continuing Responsibility. The division of public health services shall periodically inspect the refuse disposal facility and provide such technical assistance to the town as may be necessary for providing proper maintenance of the facility.

147:23-m [New] Ownership. The state, upon receiving the final payment made pursuant to RSA 147:23-j, shall deliver a deed to the facility site and all buildings and structures thereon.

324:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 325.

AN ACT TO ABOLISH THE UNCLASSIFIED POSITION OF STATE ENTOMOLOGIST.

Be it Enacted by the Senate and House of Representatives in General Court convened:

325:1 Salary Repealed. Amend RSA 94:1-a (supp), as amended, by striking out the line:

“State entomologist 4,441”

325:2 Position Changed to Classified. Amend RSA 437:1, as amended, by striking out said section and inserting in place thereof the following:

437:1 State Entomologist. The commissioner of agriculture shall, subject to the personnel laws of the state, employ an assistant who shall be known as the state entomologist and who shall be fully qualified by scientific training and experience and who, under the direction of the commissioner, shall be in charge of the suppression of pests as provided for in this chapter.

325:3 Effective Date. This act shall take effect July 1, 1971.

[Approved June 25, 1971.]

[Effective date July 1, 1971.]

CHAPTER 326.

AN ACT RELATIVE TO THE BOARD OF CHIROPRACTIC EXAMINERS AND REGISTRATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

326:1 Science of Chiropractic. Amend RSA 316:1 by striking out said section and inserting in place thereof the following:

316:1 Definition. The science of chiropractic deals with the analysis of any interference with normal nerve transmission and expression, the procedure preparatory to, and complementary to the correction thereof, by an adjustment of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regiment and rehabilitation of the patient without the use of

drugs or surgery. The term analysis is construed to include physical examination, the use of x-ray and other analytical instruments generally used in the practice of chiropractic.

326:2 Term and Appointment of Board. Amend RSA 316:3 (supp) as amended by 1967, 204:2 by striking out said section and inserting in place thereof the following:

316:3 Term; Appointment; Removal. Their term of office is three years. No member may serve more than three consecutive terms. Members shall be appointed each year by the governor, with the advice and consent of the council. Vacancies in said board shall be filled for the unexpired term and any members may be removed therefrom by the governor and council for cause and after hearing.

326:3 Certificate of Registration. Amend RSA 316:13 by striking out said section and inserting in place thereof the following:

316:13 —Effect. Any chiropractor who has received and holds a certificate of registration and license issued by said board may practice chiropractic as defined in RSA 316:1 but shall not prescribe for or administer to, any person any medicine or drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or any branch of medicine or osteopathy.

326:4 License Renewals. Amend RSA 316:17 as amended by 1963, 222:3 by striking out said section and inserting in place thereof the following:

316:17 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of a fee of twenty dollars.

326:5 Effective Date. This act shall take effect July 1, 1971.

[Approved June 25, 1971.]

[Effective date July 1, 1971.]

CHAPTER 327.

AN ACT EXTENDING THE APPLICATION OF THE RIGHT TO KNOW LAW TO THE LEGISLATURE AND ALL ITS COMMITTEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

327:1 Definitions. Amend RSA 91-A:1 (supp) as inserted by 1967, 251:1 by striking out said section and inserting in place thereof the following new section:

91-A:1 Definition of Public Proceedings. The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

- I. The general court including executive sessions of committees;
- II. The governor's council;
- III. Any board or commission of any state agency or authority;
- IV. Any board, commission, agency, or authority, of any county, town, municipal corporation, school district, or other political subdivision.

327:2 Notice of Legislative Committee Meetings. Amend RSA 91-A:2 (supp) as inserted by 1967, 251:1 and amended by 1969, 482:1 by striking out said section and inserting in place thereof the following:

91-A:2 Meetings Open to the Public. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within seventy-two hours of the public meeting, except as provided by section 5 of this chapter, and shall be treated as permanent records of any body or agency, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting shall be posted in two appropriate public places or shall be printed in a newspaper of general circulation in the city or town at least twenty-four hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative and the minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the charter of any city or guide lines set down by the appointing authority requires a broader public access to official meetings and records than herein described, such charter provisions or guide lines shall take precedence over the requirements of this chapter.

327:3 Meetings Not Public. Amend RSA 91-A:3, II (supp) as inserted by 1967, 251:1 by inserting after paragraph (d) the following new paragraph:

(e) Matters being discussed by a legislative committee sitting in executive session, which should not be made public, as determined by a three-fifths vote of the members present and voting at such meeting.

327:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 328.

AN ACT RELATIVE TO THE PRACTICE OF VETERINARY MEDICINE IN NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

328:1 New Chapter. Amend RSA by inserting after chapter 332-A the following new chapter:

CHAPTER 332-B [NEW]

NEW HAMPSHIRE VETERINARY PRACTICE ACT

332-B:1 Definitions. When used in this chapter these words and phrases shall be defined as follows:

I. "Animal" means any animal other than man and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.

II. "Veterinary medicine" means and includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

III. "Practice of veterinary medicine" means:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above.

(b) To represent directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a).

(c) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph (a), except where such person is a veterinarian.

IV. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited veterinary school.

V. "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

VI. "School of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

VII. "Person" means any individual, firm, partnership, association, joint venture, cooperative, and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

VIII. "Board" means the state board of veterinary medicine.

332-B: 2 License Required and Exceptions. No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This chapter shall not be construed to prohibit:

I. An employee of the federal, state, or local government performing his official duties.

II. A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period.

III. A person advising with respect to or performing acts which the board by rule has prescribed as accepted livestock management practices.

IV. A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state.

V. The owner of an animal and the owner's full-time regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter.

VI. A member of the faculty of a veterinary school performing his regular functions, or a person lecturing, or giving instructions or demonstrations at a veterinary school or in connection with a continuing education course or seminar.

VII. Any person selling or applying any pesticide, insecticide, or herbicide.

VIII. Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.

IX. A person from doing veterinary or surgical work or give advice to his neighbors; provided that he does not make a regular practice thereof or receive pecuniary consideration.

332-B: 3 Board; Appointments; Terms; Compensation. A board of veterinary medicine shall be appointed by the governor, which shall consist of five members each appointed for a term of five years or until his successor is appointed. Members of the veterinary board appointed under RSA 332 may continue as members of the board until the expiration of the term for which they were appointed. In January of each year at the annual meeting, the New Hampshire Veterinary Medical Association may nominate three qualified persons and forward the nominations to the governor at least thirty days before the date set for the appointment. During the month of March of that year, the governor may appoint one of the persons so nominated. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two consecutive five year terms, but a person appointed for a term of less than five years may succeed himself. Each member of the board shall be paid seventy-five dollars for each day or substantial portion thereof he is engaged in the work of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees. Any member of the board may be removed by the governor after a hearing by the board determines cause for removal.

332-B: 4 Qualifications. A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five years preceding the time of his appointment. No person may serve on the board who is, or was during the two years preceding his appointment, a member of the faculty, trustees, or advisory board of a veterinary school.

332-B: 5 Meetings and Duties. The board shall meet at least once a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian. At its annual meeting the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of the board meetings. The duties of the secretary-treasurer shall include, carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and

disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keeping a register of all persons currently licensed by the board. All board records shall be open to public inspection during regular office hours. The secretary-treasurer shall give a surety bond to the board in such sum as the board may require by rule, the cost of such bond to be paid by the board. The president and secretary-treasurer shall submit to the governor a report on the transactions of the board, including an account of monies received and disbursed as shall be required by the state auditors.

332-B: 6 Revenue and Expense. All revenues received by the board shall be accepted by the secretary-treasurer and deposited by him with the treasurer of the state to be credited to the general fund. All expenses of the board shall be a charge upon the general fund within the limits of appropriations made therefor.

332-B: 7 Powers of the Board. The board shall have the power to:

I. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state.

II. Issue, renew, deny, suspend, revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of this chapter and the rules and regulations adopted thereunder.

III. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fee schedule shall be based on the board's anticipated financial requirements for the year.

IV. Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining licensed veterinarians.

V. Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one or more of its members to serve as its hearing officer.

VI. Employ full-time or part-time professional, clerical or special personnel, necessary to effectuate the provisions of this chapter and purchase or rent necessary office space, equipment and supplies within the limits of appropriations made therefor.

VII. Appoint from its own membership one or more of the members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

VIII. Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant thereto.

IX. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

X. Adopt recommendations for the training, certification, and limits of activity for assistants being trained and employed under the direction and responsibility of a licensed veterinarian.

XI. Adopt recommendations, when deemed necessary, that require veterinarians in this state to present evidence to the board that they have complied with the requirements of continuing education for relicensure.

332-B: 8 Status of Persons Previously Licensed. Any person holding a valid license to practice veterinary medicine in this state on the effective date of this chapter shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this chapter, including annual renewal of the license.

332-B: 9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is twenty-one years of age or more, a graduate of an accredited veterinary school, a person of good moral character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

332-B: 10 Examinations. The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary-treasurer shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the National Board of Veterinary Examiners. After each examination the secretary-treasurer shall notify each examinee of the results of his examination, and the board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

332-B: 11 License Without Examination. The board may issue a license without written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of an accredited veterinary school and who:

I. Has been lawfully licensed to practice veterinary medicine, surgery, and dentistry in another state or territory which has and maintains a standard for the practice of veterinary medicine, surgery, and dentistry which is substantially the same as that maintained in this state, and who has been lawfully and continuously engaged in the practice of veterinary medicine, surgery, and dentistry for five years or more immediately before filing his application to practice in this state and who shall submit to the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying the fact of his registration and of his being a person of good moral character and of professional attainment, may upon the payment of the fee as provided herein, be granted a license to practice veterinary medicine, surgery, and dentistry in this state, without being required to take an examination. Provided, however, that no license shall be issued to any applicant, unless the state or

territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of veterinary medicine, surgery, and dentistry within its own borders to veterinarians heretofore and hereafter licensed by this state, and removing to such another state. And provided further, that the director of licenses shall have power to enter into reciprocal relations with other states whose requirements are substantially the same as those provided herein. The board shall make recommendations to the director upon all requests for reciprocity. The board may orally or practically examine any person qualifying for licensing under RSA 332-B: 11.

332-B: 12 Temporary Permit. The board may issue without examination a temporary permit to practice veterinary medicine in this state to any person who is a graduate of a veterinary college recognized as provided for in RSA 332-B: 10, may be granted a temporary license for a period not to exceed two years, providing that he write the next available set of examinations and also providing said person is employed by and practices his profession under the supervision of a duly licensed veterinarian practicing in the state. A temporary permit may be summarily revoked by a majority vote of the board.

332-B: 13 License Renewal. All licenses shall expire annually on December thirty-first of each year but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. On or before December first of each year, the secretary-treasurer shall mail a notice to each licensed veterinarian that his license will expire on December thirty-first and provide him with a form for reregistration. The secretary-treasurer shall issue a new certificate of registration to all persons registering under RSA 332-B. Any person who shall practice veterinary medicine after the expiration date of his license and willfully or by neglect fail to renew such license shall be practicing in violation of RSA 332-B. Provided, that any person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license and take the license examination. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed services of the United States, not to exceed three years or the duration of a national emergency, whichever is longer.

332-B: 14 Discipline of Licensees. Upon written complaint sworn to by any person, the board may, after a fair hearing and by a concurrence of four members, revoke or suspend for a certain time the license of, or otherwise discipline, any licensed veterinarian for any of the following reasons:

I. The employment of fraud, misrepresentation, or deception in obtaining a license;

II. An adjudication of insanity;

III. Chronic inebriety or habitual use of drugs;

IV. The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the board;

V. Conviction or cash compromise of a felony or other public offense involving moral turpitude;

VI. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

VII. Having professional association with or employing any person practicing veterinary medicine unlawfully;

VIII. Fraud or dishonesty in the application or reporting of any test disease in animals;

IX. Failure to keep veterinary premises and equipment in a clean and sanitary condition;

X. Failure to report as required by law, or making false report, of any contagious or infectious disease;

XI. Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates;

XII. Cruelty to animals;

XIII. Revocation of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than non-payment of registration fee;

XIV. Unprofessional conduct as defined in regulations adopted by the board.

332-B: 15 Hearing Procedure. A hearing shall be held no sooner than twenty days after written notice to a licensed veterinarian of a complaint against him under RSA 332-B: 14, or, in the case of a person whose application for license is denied, no sooner than ten days after receipt by the board of a written request for a hearing. Notice of the time and place of the hearing, along with a copy of the complaint filed, shall be served on a licensee in the same manner required for original service of process in a civil suit. The applicant or licensee shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses in his behalf, and the right to cross-examine witnesses appearing against him. Strict rules of evidence shall not apply. The board shall provide a stenographer to take down the testimony and shall preserve a full record of the proceedings. A transcript of the record may be purchased by any person interested in such hearing on payment to the board of the cost of preparing such transcript. The board shall notify the applicant or licensee of its decision in writing ten days after the conclusion of the hearing. The secretary-treasurer in all cases of suspension or revocation shall enter the fact on the register. Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this chapter. The fees and expenses allowed witnesses and officers shall be paid by the board and shall be the same as prescribed by law in civil cases in the courts of the state.

332-B: 16 Appeal. Any party aggrieved by a decision of the board may appeal the matter to a court of general jurisdiction within ninety days after receipt of notice of the board's final determination. Appeals shall be taken by filing the action with the court and serving upon the secretary-treasurer of the board written notice of the appeal, stating the grounds thereof. The court shall review the decision of the board as it would the decision of an inferior court. The decision of the reviewing court shall be final and no further appeal shall be taken.

332-B: 17 Reinstatement. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without examination by majority vote of the board on written

application made to the board showing cause justifying relicensing or reinstatement.

332-B: 18 Practice by Corporations Prohibited. No corporation shall, except in the manner permitted by RSA 294-A, engage in the practice of, or hold itself out to the public or advertise as being entitled to engage in the practice of veterinary medicine, in any manner or as being entitled to do so, by or through any person orally or by advertisement, letter, or circular; provided that the foregoing prohibition shall not prevent a corporation from employing a veterinarian in regard to its own affairs or to existing corporations organized under the laws of this state so long as its capital stock is owned by persons who are duly licensed or otherwise legally authorized to practice veterinary medicine. Any corporation violating any provisions of this section shall be fined not less than two hundred dollars nor more than five hundred dollars; and every officer, agent, or employee of any such corporation who, on its behalf, directly or indirectly engages in any of the acts herein prohibited, or assists such corporation to do such prohibited acts, shall be fined not less than two hundred dollars nor more than five hundred dollars.

332-B: 19 Enforcement.

I. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned for no more than ninety days, or both, provided that each act of such unlawful practice shall constitute a distinct and separate offense.

II. No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

III. The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate, the provisions of this chapter it shall enter an injunction restraining him from such unlawful acts.

IV. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

328: 2 Repeal. RSA 332, relative to veterinarians, is hereby repealed.

328: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 329.

AN ACT EXTENDING THE TENURE OF THE SPECIAL BOARD TO DETERMINE
MATTERS RELATING TO STATE RESOURCES.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

329: 1 Board Life Extended Indefinitely. Amend Laws of 1969, 387: 6 by striking out in lines sixteen, seventeen, and eighteen the words "The

special board provided for in this section shall function from passage of this act until July 1, 1971 only" so that said section as amended shall read as follows:

387: 6 Special Board Established. There is hereby established a special board for the purpose of carrying out the provisions of law conferring upon the water resources board authority to decide matters relative to resources of the state, including but not limited to excavating, dredging and filling waters of the state. The special board shall be composed of the members of the water resources board and the following officials, or their respective designees, the director of fish and game marine biologist, biologist for fisheries, commissioner of safety, executive director of water supply and pollution control commission, chief aquatic biologist of the water supply and pollution control commission, the commissioner of highways, commissioner of resources and economic development, director of the division of parks, director of planning and research in the division of economic development. Said officials shall have voting rights as members of this special board. Provided, however, that nothing herein shall be construed as affecting other duties of the water resources board with reference to dams, water levels and administration of the department.

329: 2 Gifts, Grants or Donations. The special board is authorized to solicit and receive any gifts, grants or donations made for the efforts of the special board as established in Laws 1969, 387: 6 and to disburse and administer the same through the water resources board.

329: 3 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 330.

AN ACT RELATIVE TO FEES CHARGED BY THE HILLSBOROUGH COUNTY REGISTER OF DEEDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

330: 1 Schedule Amended. Amend RSA 478: 39 (supp) as inserted by 1969, 492 by striking out said section and inserting in place thereof the following:

478: 39 Fees. The register of deeds for the county of Hillsborough shall charge the following fees for documents recorded in, or services rendered by, his office:

I. For recording deeds, mortgages, leases, agreements, attachments, and like documents, three dollars for the first recorded page plus two dollars for each additional recorded page, provided that if the instrument contains the names of more than one grantor and one grantee an additional fee of fifty cents shall be charged for indexing the names of each additional grantor or grantee. An additional fee of fifty cents shall be charged for recording of deeds, mortgages and other conveyances of real estate to compensate for those items for which a transfer listing must be furnished to the towns and cities as required by RSA 478: 14.

II. For recording discharge of real estate attachment or marginal assignment, release or discharge of real estate mortgage, two dollars.

III. For recording plans, five dollars for the first two hundred square inches thereof with one dollar for each additional one hundred square inches or part thereof.

IV. For copying any document, subject to the approval of the board of commissioners for the county of Hillsborough, the price to be established and posted by the register of deeds.

V. The officer making an attachment of real estate shall, at the time of making it, pay to the register of deeds three dollars for the first recorded page, plus two dollars for each additional recorded page, which shall be in full for his services in receiving and filing the copy, certifying the time of receiving it, and entering the attachment upon the index; and the register shall be paid two dollars for recording the discharge of such attachment.

VI. When an attachment upon real estate is dissolved, or the levy thereunder is defeated, the plaintiff or his attorney, upon request, shall give to the defendant or owner of the land a discharge thereof, and the defendant or owner of the land, within thirty days after such attachment is dissolved or levy thereunder defeated, shall cause the discharge to be recorded in the office of the register of deeds, and shall pay the register two dollars for making such record.

VII. An officer making a levy against real estate not attached shall pay to the register of deeds three dollars for the first recorded page plus two dollars for each additional recorded page for his fees and shall be entitled to the same fees for travel and copy as in the case of an attachment of real estate, all of which shall be returned upon the execution.

VIII. Notwithstanding the provisions of RSA 454-A: 4, the register of deeds and all town clerks in the county of Hillsborough shall be entitled to a fee of three dollars for the first recorded page, plus two dollars for each additional recorded page for the entry and recording of such notices of tax liens and two dollars for the entry and recording of the discharge thereof.

330: 2 Application of Statute. The provisions of RSA 478: 17 relative to fees for register of deeds shall not apply to the register of deeds for Hillsborough county.

330: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 331.

AN ACT REQUIRING THAT SUGAR SERVED IN PUBLIC EATING PLACES BE SERVED IN INDIVIDUALLY WRAPPED PACKETS OR IN CERTAIN CONTAINERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

331: 1 Individual Sugar Packets and Certain Containers Required. Amend RSA 143 by inserting after section 6 the following new section:

143:6-a [New] Sugar Packets and Containers. No establishment which serves food or drink to the public with or without charge shall provide sugar except in individually wrapped packets or in covered containers from which sugar is poured through a hole not more than three-eighths of an inch in diameter.

331:2 Effective Date. This act shall take effect ninety days after its passage.

[Approved June 25, 1971.]

[Effective date September 23, 1971.]

CHAPTER 332.

AN ACT REGULATING PREARRANGED FUNERALS OR BURIAL PLANS,
COMPENSATING THE STATE BOARD OF REGISTRATION OF FUNERAL
DIRECTORS AND EMBALMERS AND REGULATING THE EXPOSING OF
CORPSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

332:1 New Subdivision. Amend RSA 325 by inserting after section 44 the following new subdivision:

Prearranged Funerals or Burial Plans [New]

325:45 Funds to be Deposited. All moneys paid during a person's lifetime to any individual, firm, association, partnership or corporation, engaged in performing funeral services by such person or by someone in his behalf under an agreement that services be performed or personal property be delivered in connection with the disposition of such person's body after his death be deposited by the payee within thirty days after receipt thereof in a separate account in a bank, trust company or savings institution in this state in the name of the payee as mortuary trustee for the person for whose benefit the payment was made and shall be held in such account together with interest if any thereon. Nothing in this section shall be construed to prevent transfer of such funds to another such bank, trust company or savings institution by merger or consolidation or by operation of law.

325:46 Withdrawal of Funds. Such funds may be withdrawn, if otherwise lawful, by the payee on written instructions of the person who originally paid the money or his legal representative or on the death of the person for whose benefit such funds were paid, in which latter event they shall be used in accordance with the agreement; which shall be filed with such bank, trust company or savings institution.

325:47 Bank Absolved From Liability. Such bank, trust company or savings institution shall be discharged from liability for payment of the funds in any such account upon presentation of a written consent to withdrawal signed by the party who paid the funds or his legal representative and by the payee, or upon presentation of proof of death of such person for whose benefit such funds were paid. This section shall not apply to the sale of cemetery lots, crypts, niches, cemetery burial privileges, cemetery space or perpetual care.

325: 48 Employment Prohibited. No person holding a license under this chapter shall be employed as a funeral home, funeral establishment, funeral director or embalmer by a cemetery, cemetery association, cemetery corporation or crematory, nor shall such person own or control a cemetery, cemetery association, cemetery corporation or crematory. This section shall not prohibit such person from (1) serving as an officer, director, or trustee of a cemetery, cemetery association, cemetery corporation, or crematory without pay or for a salary not exceeding five hundred dollars per year or (2) the employment by a cemetery, cemetery association, cemetery corporation, or crematory in capacities other than that of a funeral home, funeral establishment, funeral director or embalmer, or (3) taking bodies out of a grave and/or transferring such bodies to other graves.

325: 49 Solicitation Prohibited. No funeral home, funeral establishment crematories, memorial societies, burial associations, cemetery, cemetery associations or person holding a license under this chapter shall as, or through, an agent or principal solicit a prearranged funeral service or plan for any person or persons. "Prearranged funeral service or plan" shall mean any funeral service or plan which is arranged, planned or determined prior to the demise of a person or persons for whom the funeral service is to be performed. Funeral homes, funeral establishments, crematories, memorial societies, burial associations, cemetery, cemetery associations and licensees under this chapter may enter into contracts or agreements for prearranged funeral services or plans provided that they do not in any manner either as, or through principals or agents solicit such contract or agreement.

325: 50 Certain Payments Prohibited. No funeral home, funeral establishment, crematories, memorial societies, burial associations, cemetery, cemetery associations or person licensed under this chapter shall pay or cause to be paid, directly or indirectly, any money or other thing of value to a person not responsible for payment for the funeral as a commission or gratuity for the securing of business for such funeral home, establishment or licensee.

332: 2 Board of Funeral Directors. Amend RSA 325: 6 as amended by 1957, 77: 1 by striking out in line two the word "fifteen" and inserting in place thereof the word (twenty-five) so that said section as amended shall read as follows:

325: 6 —Compensation. The members of the board shall receive the sum of twenty-five dollars per day while actually engaged upon the business of the board and shall be reimbursed for necessary traveling expenses incident to attendance upon the business of the board, provided that said compensation and expense shall be a charge upon the fund herein constituted and further provided that in case said fund shall be insufficient to pay said compensation and expenses the members of said board shall have no claim upon the state for said compensation.

332: 3 Exposure of Deceased Human Bodies. Amend RSA 325 by inserting after section 40 the following new section:

325: 40-a [New] Deceased Human Bodies Exposed. No dead human body shall be exposed to the public for a period in excess of twenty-four hours unless said body is properly embalmed.

332: 4 Effective Date. This act shall take effect July 1, 1971.
 [Approved June 25, 1971.]
 [Effective date July 1, 1971.]

CHAPTER 333.

AN ACT EXEMPTING CERTAIN MUNICIPAL WATER COMPANIES FROM CLASSIFICATIONS AS PUBLIC UTILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

333: 1 Municipal Water Companies Excluded. Amend RSA 362: 4 as amended by 1957, 33: 1 by striking out said section and inserting in place thereof the following:

362: 4 Water Companies, When Not Public Utilities. No such corporation, company, association, joint stock association, partnership, or person shall be deemed to be a public utility by reason of the ownership or operation of any water system or part thereof, if the whole of such water system shall supply a less number of consumers than thirty, each family, tenement, store, or other establishment being considered a single consumer. Nor shall a municipal corporation furnishing water outside of its municipal boundaries be considered a public utility under this title for the purposes of accounting, reporting, or auditing functions with respect to said service.

333: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]
 [Effective date August 24, 1971.]

CHAPTER 334.

AN ACT AMENDING THE 1969 APPROPRIATION RELATIVE TO CAPITAL EXPENDITURES AT FRANCONIA NOTCH STATE PARK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

334: 1 Parks Division Capital Improvement Budget. Amend Laws of 1969, 505: 1, XI, (a), (3) by striking out said paragraph and inserting in place thereof the following:

(3) Construction of addition to Peabody slope base lodge, including utilities and replacement of old T-bar with a double chairlift and the mid-lift unloading area on the Peabody chairlift	\$500,000
Less federal funds	250,000

Net appropriation

250,000

334: 2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]
 [Effective date June 25, 1971.]

CHAPTER 335.

AN ACT RELATIVE TO A COMPACT BETWEEN THE STATES OF MAINE
AND NEW HAMPSHIRE TO PROMOTE THE BETTER UTILIZATION
OF THE SACO RIVER WATERSHED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

335:1 New Chapter. Amend RSA by inserting after chapter 226 the following new chapter:

CHAPTER 226-A [NEW]

SACO WATERSHED COMPACT

226-A:1 Authorization. The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with the state of Maine, in the form substantially as follows:

Saco Watershed Compact

The contracting states solemnly agree:

Article I

The purpose of this compact is to promote the better utilization of the Saco River Watershed by the development of a joint program to aid industrial, recreational and conservation interests in the development of the Saco Watershed in such manner as to benefit all groups and the general public.

Article II

This agreement shall become operative immediately whenever the two states have executed it in the form that is in accordance with the laws of each state respectively, and Congress has given its consent.

Article III

Each state shall appoint five representatives to a commission hereby constituted and designated as the Saco Watershed Commission. Members of the commission shall be bona fide residents of the Saco Watershed area. Appointments to the commission shall be made by the governor of each state, with the advice and consent of the council. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the development of the Saco River Watershed in such manner as to benefit industrial, recreational and conservation interests, at the same time preventing the despoliation of the area and preserving its natural environment from material adverse effects. The said commission shall act as a clearing house to inform the public and coordinate efforts toward the foregoing end. The said commission shall be entitled to receive information and cooperation from state and municipal agencies in each state and may as well request assistance from federal agencies, private groups and individuals, all for the purpose of developing plans for both short and long range objectives in the development and preservation of the Saco River Watershed. From time to time

the commission shall draft and recommend to the governors and legislatures of the two states legislation designed to carry out the purposes of this compact.

Article V

The commission shall elect from its number a chairman, a vice chairman, a treasurer and a secretary. The said commission shall adopt rules and regulations for the conduct of its business. The commission may accept gifts and grants in aid from whatever source. No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of representatives of each state present at any meeting. Continued absence of any representative on the commission from either state, at duly called meetings, shall be brought to the attention of the governor thereof. Meetings of the commission shall be held at least quarterly, as more particularly provided in the rules of the commission and special meetings may be called as provided in said rules.

Article VI

The commission shall, more than one month prior to any regular meeting of the legislature in either state, present to the governor of the state a report of its activities since the date of the last previous report and its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

Article VII

The two states party hereto agree to make annual appropriations to the support of the commission in equal shares, provided that the initial and thereafter minimum contribution of each state shall be twenty-five hundred dollars per annum. Subsequently, a budget shall be recommended by a majority of the commission and the cost thereof allocated equally among the two states and submitted to the respective governors thereof for appropriate action. Members of the commission shall be compensated for their actual expenses on official business of the commission for travel, telephone and secretarial service but not to exceed the sum of five hundred dollars per member per year. Members of the commission shall receive no compensation for their services.

Article VIII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other state party hereto.

226-A:2 Commission. In pursuance of Article III of said compact, there shall be five members, hereinafter called commissioners, of the Saco Watershed Commission, hereinafter called commission, from the state of New Hampshire. The commissioners shall be bona fide residents of the Saco Watershed area in this state. Members of the commission shall be appointed by the governor with the advice and consent of the council to serve for terms of five years and until their respective successors are elected and qualify; provided, however that the initial appointments hereunder shall be for terms of one, two, three, four and five years respectively. Vacancies occurring in the office of such commissioners from any reason or cause shall be filled by appointment by the governor with the advice and consent of the council for the unexpired term. Any commis-

sioner may be removed from office by the governor and council, upon written charges and after a hearing.

226-A:3 Powers and Duties. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of New Hampshire are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular. All officers, bureaus, departments and persons of and in the state government or administration of the state of New Hampshire or any municipal government or administration therein are hereby authorized and directed to furnish said commission with information and data possessed by them and to cooperate with said commission by all reasonable means lying within their legal rights respectively.

226-A:4 Application of Laws. All powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by the laws of any other state party hereto.

226-A:5 Accounts. The commission shall keep accurate accounts of all receipts and disbursements. The comptroller of the state of New Hampshire is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items relating to its financial standing as the comptroller may deem proper and to report the results of such examination to the governor of said state.

335:2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 336.

AN ACT AUTHORIZING TOWNS TO APPROPRIATE FUNDS TO EMPLOY COUNSEL FOR THE PROSECUTION OF MISDEMEANORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

336:1 Prosecution of Misdemeanors. Amend RSA 31:4 by inserting after paragraph XLIV the following new paragraph:

XLV. PROSECUTION OF MISDEMEANORS. The town may, by an appropriate article in the warrant, vote to retain or employ the services of counsel for the purpose of prosecuting misdemeanors committed in the town and appropriate monies for same.

336:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 337.

AN ACT RELATIVE TO RELEASE FROM COUNTY JAILS AND
HOUSES OF CORRECTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

337:1 Reduction in Sentence. Amend RSA 607:13 by striking out said section and inserting in place thereof the following:

607:13 Place; Reduction in Sentence. Persons liable to commitment to jail for any offense may be committed to the jail or to any house of correction in the discretion of the court. Any prisoner whose conduct while in jail or in the house of correction has been meritorious may be issued a permit and discharged by the keeper of the jail or the superintendent of the house of correction when he has served two-thirds of his minimum sentence, provided it shall appear to the keeper of the jail or the superintendent of the house of correction to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

337:2 Effective Date. This act shall take effect immediately upon its passage.

[Approved June 25, 1971.]

[Effective date June 25, 1971.]

CHAPTER 338.AN ACT TO PROVIDE A PROCEDURE FOR THE DISPOSITION OF CLAIMS
ARISING FROM LEGAL OR MEDICAL MALPRACTICE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

338:1 New Chapter. Amend RSA by inserting after chapter 519 the following new chapter:

CHAPTER 519-A [NEW]

PROFESSIONAL MALPRACTICE CLAIMS

519-A:1 Panel Established. The clerks of the superior court as a body shall maintain a panel of twelve laymen, twelve doctors, twelve dentists, and twelve lawyers deemed by them to be possessed of a high degree of intelligence, fairness of mind, objectivity of viewpoint, disinterestedness, and devotion to the public interest, and, in the case of doctors, dentists, and lawyers, demonstrated competence and ability in their respective professions. In the composition of such panels, the clerks of court may, but shall not be required to, accept the recommendations of any professional organization to which a suggested panel member may belong. The panel members shall serve without compensation; provided that the judicial referee member of any panel shall not be thereby deprived of any statutory allowance to which he is otherwise entitled for serving in such capacity.

519-A: 2 Claims; Hearings; Notification; Hearing Panels. Any person, or his legal representative, claiming damages by reason of injury, death, or monetary loss on account of alleged professional malpractice may informally and voluntarily submit against any lawyer, doctor, or dentist, against whom he believes there is a reasonable basis for a claim to a hearing panel prior to the institution of any litigation as to said claim, and not thereafter. The hearing panel shall consist of three persons. In the case of the submission of a claim against a doctor, it shall be composed of a layman, and a doctor chosen from the panel maintained by the clerks of court, plus a judicial referee. In the case of submission of a claim against a dentist, it shall be composed of a layman, and a dentist chosen from the panel maintained by the clerks of court, plus a judicial referee. In the case of the submission of a claim against a lawyer, it shall be composed of a layman, and a lawyer chosen from the panel maintained by the clerks of court, plus a judicial referee. In any case the judicial referee shall preside as chairman of the hearing panel. Claims under the provisions of this chapter shall be made on forms provided by the superior court, and shall be filed initially with the clerk of court, with mail copies to the person against whom the claim is made, and to the statewide professional association or society to which said person belongs, if any. The clerk shall within thirty days of the filing of a claim mail to the parties and their counsel, if any and if known, copies of the then list of membership of laymen and applicable professional panels. Within thirty days after such mailing, the parties or their counsel shall meet with the clerk and shall draw the lay and professional members of the hearing panel by lot, each party to have three peremptory challenges with respect to both categories of panel members. The clerk shall then, with the advice and cooperation of the parties or their counsel, fix a date, time, and place for a hearing on the claim before the hearing panel, and the parties and their counsel shall be notified in writing accordingly. The facilities of the applicable county courthouse shall be made available, as convenient, by the clerk, for the purposes of such hearing.

519-A: 3 Submission of Claim to Hearing Panel; Proceedings. The claim shall thereupon be submitted to the hearing panel, composed as aforesaid, in an informal manner and under such procedural rules as may be laid down by the judicial referee, provided that strict adherence to the technical rules of procedure and evidence applicable in the case of jury trials shall not be required, in the discretion of said judicial referee. Witnesses may be called, all testimony shall be under oath, testimony can be taken in either oral or written form, copies of records, x-rays, and other documents may be produced and considered by the hearing panel and the right to subpoena witnesses and evidence shall obtain as in all other proceedings conducted in the superior court. The right of cross-examination shall obtain as to all witnesses who testify in person, and such cross-examination shall be conducted in an orderly, dignified manner, subject to the control of the hearing panel under the rules laid down by the judicial referee. Both parties shall be entitled, individually, and through counsel, to make opening and closing statements. No transcript or records shall be required to be made as to the testimony or other proceedings, but any party desiring same shall be entitled to arrange for a competent stenographer to record and transcribe such proceedings, provided he pay the expense thereof, and such transcript may be used in any subsequent proceedings relating to the same cause under the rules applicable to depositions. The hearing panel may retain custody of any

exhibits admitted as evidence until a decision has been rendered by the panel, at which time any such exhibits shall be returned to the party who supplied same.

519-A: 4 Decision of Hearing Panel. Within thirty days after the completion of any hearing, the hearing panel shall file a written decision with the clerk of court, who shall thereupon mail copies thereof to all parties concerned and their counsel. Such decision shall be in accordance with the law of New Hampshire as applicable to such cases in the judgment of the hearing panel, and shall be in the form of a decision in favor of the claimant specifying the amount of money damages deemed to be just compensation to him on account of the injuries and other damages found to have been sustained by him, or in favor of the person against whom the claim is made. No allowance or provision shall be made for costs or interest. The decision shall be signed by all members of the hearing panel and shall be as brief and precise as the circumstances reasonably permit; provided, however, that any member of said panel may file a written concurring or dissenting opinion giving his reasons therefor.

519-A: 5 Proceedings Subsequent to Decision of Hearing Panel. Within thirty days following the date of the decision of the hearing panel, the parties shall file written notice with the clerk, with copies to each other of their acceptance or rejection of said decision. If both parties accept said decision, the party against whom any damages are assessed shall pay, or cause same to be paid to the prevailing party within sixty days of said decision. In the event that either party or both parties reject the decision of the hearing panel, the claimant may nonetheless institute litigation in any appropriate court arising out of the circumstances giving rise to the claim heard by the panel.

519-A: 6 Expert Witnesses Unnecessary. Neither party, in any proceeding in this chapter, shall be required to produce expert testimony as a prerequisite to a decision in his favor; but the hearing panel may consider the absence of such testimony, along with all other relevant and material factors, evidence, and exhibits, in determining whether the applicable standard of care has been met or the burden of proof sustained, in the circumstances.

519-A: 7 Locality Rule Inapplicable. In determining whether the person against whom a malpractice claim has been made has met the applicable standard of care, the hearing panel shall not be bound or limited by the standard of care accepted or established with respect to any particular geographical area or locality, but shall consider only whether the person against whom the claim is made has acted with due care having in mind the standards and recommended practices and procedures of his profession, and the training, experience and professed degree of skill of the average practitioner of such profession, and all other relevant circumstances.

519-A: 8 Right of Privacy and Integrity of Proceedings. All proceedings, records, findings and deliberations of a hearing panel shall be confidential and shall not be used in any other proceeding, or otherwise publicized, except as herein provided, nor disclosed by any party, witness, counsel, panel member, or other person, on penalty of being found in contempt of court. The manner in which a hearing panel and each member

thereof deliberates, decides, and votes, on any matter submitted to it, including whether its final decision is unanimous or otherwise, shall not be disclosed or made public by any person, except as herein provided.

519-A: 9 Rules of Court. The superior court may, from time to time, promulgate, amend, and modify rules to carry out and better implement the purpose of this chapter and proceedings conducted hereunder.

519-A: 10 Statute of Limitations. The date of receipt by the clerk of court of a claim submitted pursuant to the provisions of this chapter shall be considered the date of institution of action for purposes of the applicable statute of limitations.

338: 2 Effective Date. This act shall take effect on January 1, 1972, and shall be applicable to and govern all claims arising out of injuries and other damages sustained on and after said date.

[Approved June 25, 1971.]

[Effective date January 1, 1972.]

CHAPTER 339.

AN ACT AUTHORIZING THE HUMAN RIGHTS COMMISSION TO ACCEPT PUBLIC AND PRIVATE GRANTS, AND NAMING THE DONALD J. WELCH NURSING CARE UNIT OF THE NEW HAMPSHIRE SOLDIERS' HOME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

339: 1 Grants. Amend RSA 354-A: 7 as inserted by 1965, 297: 1 by inserting at the end thereof the following new paragraph:

XII. To accept and utilize for its purposes, functions and duties as herein set forth, public and private grants, gifts, donations and contributions of money and other assets and properties, real and personal, of all types and kinds, without limitations.

339: 2 Naming the Donald J. Welch Nursing Care Unit of the New Hampshire Soldiers' Home. Amend Laws of 1969, 535 by striking out said chapter and inserting in place thereof the following:

That the new nursing home to be constructed at the New Hampshire Soldiers' Home shall hereafter be named and known as the Commandant Donald J. Welch Nursing Care Unit, and that the commissioner of public works and highways be directed to secure a suitable plaque to be erected at said nursing home designating the name hereby given to said unit.

339: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 340.

AN ACT PROVIDING FOR THE WAIVER OF COURT COSTS AND
FEES IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

340:1 Waiver Provided. Amend RSA 499 by inserting after section 18-a the following new section:

499:18-b [New] Waiver of Court Costs and Fees. Except as otherwise specifically provided by the rules of the superior court, any person by reason of poverty, may seek relief from the payment of any fees provided by law which are payable to any court, clerk of court, or sheriff. The court upon the application of such person, which application may be filed without fee, may in its discretion order the payment of such fees waived. In any case in which a person is represented by a legal aid society, a federally funded legal services project, or counsel assigned in accordance with the rules of the court, all filing costs shall be waived by the clerk without the necessity of a court order. Fees for the service of process by sheriffs shall be a charge against the county.

340:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 341.

AN ACT RELATING TO THE JURISDICTION OF THE SUPREME COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

341:1 Extent of Jurisdiction. Amend RSA 490:4 by striking out said section and inserting in place thereof the following:

490:4 Jurisdiction. The supreme court shall have general superintendence of all courts of inferior jurisdiction to prevent and correct errors and abuses, including the authority to approve rules of court and prescribe and administer canons of ethics with respect to such courts, shall have exclusive authority to issue writs of error, and may issue writs of certiorari, prohibition, habeas corpus, and all other writs and processes to other courts, to corporations and to individuals, and shall do and perform all the duties reasonably requisite and necessary to be done by a court of final jurisdiction of questions of law and general superintendence of inferior courts.

341:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 342.

JOINT RESOLUTION IN FAVOR OF JOHN DUKETTE OF ANDOVER

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of one thousand dollars is hereby appropriated to partially reimburse Mr. John Dukette of Andover in full and final settlement for damage to his well caused by road salt. The Governor is authorized to draw his warrant on the highway fund for the sum appropriated by this resolution out of any moneys in said highway fund not otherwise appropriated.

[Approved June 25, 1971.]

CHAPTER 343.

AN ACT RELATING TO FILING NOTICES UNDER THE TIMBER CONSERVATION ACT AND REQUIRING AN OWNER TO FURNISH SECURITY FOR PAYMENT OF THE YIELD TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

343:1 Tax Year. Amend RSA 79:3 (supp) as amended by 1955, 287:1; 1959, 277:1 and 1963, 316:2 by striking out said section and inserting in place thereof the following:

79:3 Normal Yield Tax. A normal yield tax at the rate of ten percent on the stumpage value at the time of cutting shall be assessed by the assessing officials as of April first in each year against each owner of growing wood and timber which has been cut during the previous tax year.

343:2 Declaration of Intention. Amend RSA 79:10 (supp), as amended, by striking out said section and inserting in place thereof the following:

79:10 Notice of Intent to Cut. Every owner, including the state, a county or municipality, or public agency, shall, prior to commencing each cutting operation file with the proper assessing officials in the town where such cutting is to take place a notice of intent to cut, and forward two copies thereof to the state tax commission, upon a form prescribed and provided by said commission, stating his name, residence, an estimate of the amount and species to be cut and such other information as may be required. He may at his option furnish the stumpage price paid. A supplemental notice of intent shall be filed in the same manner on or before April first of any year for each operation not completed or terminated and which will continue after March thirty-first of each year. A copy of each notice received shall be forwarded by the tax commission to the division of resources development of the department of resources and economic development. The tax commission shall assign a number to each operation for which it receives a copy of a notice of intent to cut and shall notify the owner and the assessing officials thereof. It shall furnish without cost to the owner a receipt showing that a copy of an intent to cut has been filed with the commission. Such receipt shall be

posted by the owner in a conspicuous place within the area of cutting for each operation conducted within a town. Failure to file a notice of intent to cut with the proper assessing officials or forward copies thereof to the state tax commission shall be a misdemeanor punishable by a fine not exceeding fifty dollars.

343: 3 Bond Required for Cutting. Amend RSA 79 by inserting after section 10 the following new section:

79: 10-a [New] Bond Required.

I. The assessing officials shall within thirty days of the receipt of the notice of intent to cut pursuant to RSA 79: 10 notify the owner filing such notice in writing of

(a) The amount and conditions of any bond or other security which they deem necessary to secure the payment of any yield tax or bond and debt retirement tax due from the operation described in the notice of intent to cut, or

(b) Their decision to grant his request to be excused from the posting of such bond or other security.

II. No owner shall commence to cut until he has posted the bond or other security or been excused from posting such bond or other security pursuant to RSA 79: 10-a, I.

III. The superior court shall issue such orders and decrees in the enforcement of this section as may be necessary and proper.

343: 4 Date to File Report. Amend RSA 79: 11 (supp) as amended by 1955, 287: 1; 1959, 277: 3; 1961, 111: 2 and 1963, 316: 6 by striking out said section and inserting in place thereof the following:

79: 11 Report. Every owner, including the state, a county, a municipality or public agency, who has filed a notice of intent to cut as provided in section 10 shall make under the penalties of perjury and file with the assessing officials on or before April fifteenth in each year a report of all wood and timber cut during the tax year next preceding upon a form prescribed and provided by the tax commission and send two copies thereof to the state tax commission at Concord. If no growing wood and timber was cut on an operation for which a notice of intent to cut was filed the report shall so state. The assessing officials may require that a report of cut be filed immediately upon the completion or termination of the cutting referred to in a notice of intent to cut. Reports of cut shall contain the name and residence of the owner, volume of wood and timber cut by species or species group and such other information as may be necessary to enable the assessing officials to locate, identify, verify and determine the full amount and true stumpage value of all wood and timber cut on the operation for which the report is filed. The tax commission shall send one copy of the report of cut to the division of resources development of the department of resources and economic development. A report of wood and timber severed covering operations still in progress through March thirty-first of any year shall be filed not later than April fifteenth of said year for all wood and timber severed during the tax year up to and including March thirty-first. Failure to file a report of cut with the proper assessing officials or to send copies thereof as required herein to the state tax commission shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars.

343:5 Penalty. Amend RSA 79:12 (supp) as amended by 1955, 287:1, by striking out said section and inserting in place thereof the following:

79:12 Doomage. If an owner neglects or fails to file a report of cut on or before April fifteenth of any year, unless the time is extended by the assessing officials because of accident, mistake or misfortune to a date not later than the following May first, or wilfully makes any false statement in a notice of intent to cut, or a report of cut, or wilfully files a report of cut that does not contain a true and correct statement of the amount of wood or timber cut, or has wilfully omitted to give any information required by a report of cut, the assessing officials shall ascertain, in such way as they may be able, and as nearly as practicable, the volume and stumpage value of the wood and timber for which such owner is taxable, and shall assess to such owner, by way of doomage two times as much as such wood and timber would have been taxed had such report been seasonably filed and truly reported. Such doomage shall be collected by the tax collector in the usual manner and paid over to the town treasurer for use of the town.

343:6 Report to Tax Commission. Amend RSA 79:19 (supp) as amended by 1955, 287:1 and 1963, 316:8 by striking out said section and inserting in place thereof the following:

79:19 Certification of Yield Taxes Assessed. The assessing officials of every town and city shall annually on or before May fifteenth certify to the tax commission the normal yield and bond and debt retirement taxes assessed for the tax year ending the preceding March thirty-first. Such certification shall be filed in duplicate upon a form prescribed and provided by the commission and shall contain such information as the commission shall require. Upon receipt of the certification the tax commission shall examine the same and correct errors, if any, to the extent it deems necessary and return forthwith the duplicate copy to the proper assessing officials together with a form of warrant to be used by the said officials in committing such taxes to the tax collector. Such warrant shall be committed to the collector by the assessing officials on or before July first of each year. Failure to file the certificate or commit the warrant as provided herein shall, upon complaint, subject the assessing officials to a fine not exceeding ten dollars.

343:7 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 344.

AN ACT APPLYING THE COVERAGE OF THE HIGHWAY RELOCATION ASSISTANCE ACT BY PROJECT NUMBER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

344:1 Assistance by Project Number. Amend RSA 233-A (supp) by inserting after section 9 the following new section:

233-A:10 [New] Eligibility. The relocation assistance provided herein shall be available to those persons who were adversely affected by any highway activities after the effective date of this chapter and to all displaced persons on a specific project, for any activity prior to August 23, 1968, if said payment has been made to any owner on the project.

344:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 345.

AN ACT INCREASING THE RADIUS OF OPERATION AND THE FEE FOR SPECIAL OPERATION PERMITS FOR CERTAIN HEAVY MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

345:1 Limit and Fee Increased. Amend RSA 263:64, III by striking out in line two the word "twenty-five" and inserting in place thereof the words (one hundred) and by striking out in line three the word "twenty-five" and inserting in place thereof the word (fifty) so that said paragraph as amended shall read as follows:

III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of one hundred miles from the person's home location for a fee of fifty dollars for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner (and director) may determine.

345:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 346.

AN ACT ESTABLISHING THE SALARY OF THE PESTICIDES SURVEILLANCE SCIENTIST.

Be it Enacted by the Senate and House of Representatives in General Court convened:

346:1 Pesticides Surveillance Scientist. Amend RSA 94:1-a (supp) as inserted by 1969, 500:2 and amended by 1970, 19:3 (II), 29:8, 38:9, 55:3 and 57:3 by inserting in proper alphabetical order under the water supply and pollution control commission the following words and numerals:

Pesticides surveillance scientist	12,540	14,255
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346:2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 25, 1971.]

[Effective date July 1, 1971.]

CHAPTER 347.

AN ACT RELATIVE TO THE STATE APPRENTICESHIP COUNCIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

347:1 Members. Amend RSA 278:2 as amended by 1957, 187:15 by striking out said section and inserting in place thereof the following:

278:2 Apprenticeship Council. There is hereby created a State Apprenticeship Council, composed of: the labor commissioner, the commissioner of the department of employment security or his designee, the commissioner of education or his designee, and two members who shall be employers and two members who shall be employees or persons who represent said employees. The commissioner of labor shall act as chairman. The two members who are employers and the two members who are employees or who represent said employees shall be appointed by the governor with the advice and consent of the council. The initial appointment of these four members shall be as follows: one member for a term of one year; one member for a term of two years, one member for a term of three years, and one member for a term of four years. Upon the expiration of each of their terms and each year thereafter, one new member shall be appointed for a term of four years. The members of the council shall receive no compensation for their services, but shall be reimbursed for transportation and actual expenses necessarily incurred in the performance of their duties under this chapter; such expenses to be approved on voucher by the labor commissioner.

347:2 Present Members. The terms of all the present members of the State Apprenticeship Council shall terminate on the effective date of this act. The first appointment of new members shall be for a term starting on the effective date of this act.

347:3 Effective Date. This act shall take effect upon its passage.
[Approved June 25, 1971.]
[Effective June 25, 1971.]

CHAPTER 348.

AN ACT TO ABOLISH THE SO-CALLED "LOCALITY RULE" IN JUDICIAL MATTERS INVOLVING PROFESSIONAL MALPRACTICE SUITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

348:1 Rule Abolished. Amend RSA 508 by inserting after section 12 the following new section:

508:13 [New] Professional Malpractice; Evidence. In determining whether the person against whom a malpractice claim has been made has met the applicable standard of care, the jury or judge shall not be bound or limited by the standard of care accepted or established with respect to any particular geographical area or locality, but shall consider only whether the person against whom the claim is made has acted with

due care having in mind the standards and recommended practices and procedures of his profession, and the training, experience and professed degree of skill of the average practitioner of such profession, and all other relevant circumstances.

348:2 Effective Date. This act shall take effect sixty days after its passage and shall pertain to and govern all cases arising out of injuries, damages, and other losses sustained on and after its effective date, and none other.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 349.

AN ACT PROVIDING FOR RECIPROCITY IN MOTOR VEHICLE CITATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

349:1 Reciprocity. Amend RSA by inserting after chapter 264 the following new chapter:

CHAPTER 264-A [NEW]

RECIPROCAL PROVISIONS AS TO ARREST OF NONRESIDENTS

264-A:1 Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed unless the context clearly indicates otherwise:

I. "Reciprocating state" means a state having provisions of law to the same effect as the provisions of this chapter;

II. "Citation" means any citation, summons, ticket, or other document issued by an arresting officer for violation of a law, ordinance, rule or regulation, pertaining to motor vehicle traffic, ordering the arrested motorist to appear;

III. "License" means any operator's or chauffeur's permit or any other license or permit to operate a motor vehicle issued under the laws of a reciprocating state including:

(a) Any temporary or learner's permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(c) Any nonresident's operating privilege conferred upon a nonresident of a state pertaining to the operation by such person of a motor vehicle in such state;

IV. "Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial following a citation by an arresting officer for violation of a traffic law, ordinance, rule or regulation;

V. "Personal recognizance" means a signed agreement by an arrested motorist that he will comply with the terms of the citation served upon him at the time of arrest;

VI. "Nonresident" refers only to a person who is a resident of or holds an operator's or chauffeur's license issued by a reciprocating state.

264-A: 2 Issuance of Citation to Resident of Reciprocating State.

I. Other provisions of law to the contrary notwithstanding, a police officer making an arrest for a traffic violation shall issue a citation as appropriate to any motorist who is a resident of or holds a license issued by a reciprocating state and shall not, subject to the exceptions noted in RSA 264-A: 1, II, hereinbelow, require such motorist to post bail or bond to secure appearance for trial, but shall accept such motorist's personal recognizance that he will comply with the terms of such citation; provided, however, that a person so arrested shall have the right upon his request to post bail or bond in a manner provided by law and, in such case, the provisions of this chapter shall not apply.

II. No motorist shall be entitled to receive a citation under the terms of RSA 264-A: 1, I, hereinabove, nor shall any police officer issue such citation under the same in the event the offense for which the citation be issued shall be one of the following:

(a) An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this state; or

(b) An offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist's license.

III. Upon the failure of any nonresident to comply with the terms of such a traffic citation, the court having jurisdiction shall issue a warrant for his arrest and he shall be subject to the penalty provisions of RSA 597: 14-a. The court shall notify the director of the division of motor vehicles of the failure of the cited nonresident to appear. Said notification shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle.

264-A: 3 Director to Transmit Court Notification to Reciprocating State; Suspension of Resident's License for Noncompliance with Citation Issued by Reciprocating State.

I. Upon receipt of a court notification pursuant to RSA 264-A: 2, III, the director of the division of motor vehicles shall transmit a certified copy of said notification to the official in charge of the issuance of licenses in the reciprocating state in which the nonresident resides or by which he is licensed.

II. Upon receipt from the licensing authority of a reciprocating state in which an arrest was made, of a certification of noncompliance with a citation issued in a reciprocating state by a person holding an operator's or chauffeur's license issued by this state, the director of the division of motor vehicles forthwith shall suspend such person's license. The order of suspension shall indicate the reason for the order, and shall notify the motorist that his license shall remain suspended until he has furnished evidence satisfactory to the director that he has fully complied with the terms of the citation which was the basis for the suspension order.

III. A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state in which the arrest was made.

IV. It shall be the duty of the director of the division of motor vehicles to ascertain and remain informed as to which states are "reciprocating states" hereunder and, accordingly, to maintain a current listing of such

states, which listing he shall from time to time cause to be disseminated among the appropriate departments, divisions, bureaus and agencies of this state, the principal executive officers of the several counties, cities and towns of this state and the licensing authorities in all other states which are, have been, or claim to be a "reciprocating state" pursuant hereto.

349:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 350.

AN ACT AUTHORIZING TEMPORARY EMERGENCY PERMITS IN EMERGENCY SITUATIONS FOR NURSING HOME ADMINISTRATORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

350:1 Temporary Emergency Permit Authorized. Amend RSA 151-A:7, II (supp) as inserted by 1969, 459:1 by inserting at the end thereof the following new paragraph:

(c) Under emergency conditions the secretary of the board in his discretion subject to the confirmation of the board may issue a temporary emergency permit to a person of good character and suitability to act in the capacity of an administrator under the supervision of a licensed administrator pending action by the board until the next examination or not to exceed six months. Services performed pursuant to a temporary emergency permit shall not, however, be credited toward the requirement for licensing as may be specified by the board.

350:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 351.

AN ACT ENACTING THE WHITE CANE LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

351:1 White Cane Law. Amend RSA by inserting after chapter 167-B the following new chapter:

CHAPTER 167-C [NEW]

WHITE CANE LAW

167-C:1 Policy. It is the policy of the state of New Hampshire to encourage and enable the blind, the visually handicapped, and the other-

wise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment.

167-C: 2 Access to Public Facilities.

I. The blind, the visually handicapped, and the otherwise physically disabled have the same rights and privileges as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

II. The blind, the visually handicapped, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

III. Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in paragraph II without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

167-C: 3 Penalty. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with the admittance to or enjoyment of the public facilities enumerated in RSA 167-C: 2 or otherwise interferes with the rights of totally or partially blind or otherwise disabled person as provided in RSA 167-C: 2 shall be fined not more than twenty-five dollars.

167-C: 4 White Cane Safety Day. Each year, the governor shall take suitable public notice of October fifteenth as White Cane Safety Day. He shall issue a proclamation in which he:

I. Comments upon the significance of the white cane;

II. Calls upon the citizens of the state to observe the provisions of the white cane law and to take precautions necessary to the safety of the disabled;

III. Reminds the citizens of the state of the policies with respect to the disabled herein declared and urges the citizens to cooperate in giving effect to them;

IV. Emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, or other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

167-C: 5 Employment of Blind Persons. It is the policy of this state that the blind, the visually handicapped, and the otherwise physically disabled shall be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and

conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

351:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 352.

AN ACT RELATIVE TO THE ERECTION, MAINTENANCE AND REGULATION OF CREMATORIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

352:1 Crematories. Amend RSA by inserting after chapter 325 the following new chapter:

CHAPTER 325-A [NEW]

CREMATORIES

325-A:1 Erection and Maintenance of Crematories. Any resident of this state, or any corporation formed under the law of this state, may erect, maintain and conduct a crematory in this state and provide the necessary appliances and facilities for the disposal by incineration of dead human bodies, in accordance with the provisions of this chapter. The location of such crematory shall be within the confines of an established cemetery, or shall be within the confines of a plot of land approved for the location of a crematory by the selectmen of any town or the mayor and council or board of aldermen of any city; provided, in any town or city having a zoning commission, such commission shall have the authority to grant such approval. No such approval shall be granted except after a public hearing held on notice published in a newspaper having a substantial circulation in the town or city at least fifteen days before such hearing. No such crematory shall be erected until the plans therefor have been filed with and approved by the division of public health services; and no such crematory shall be used until it has been inspected and approved by said division. Any crematory which is in operation or existence at the time of the passage of this chapter shall be exempt from this section.

325-A:2 Records and Certificates. The owners or managers of each crematory shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the name, age, sex and residence of each person whose body is cremated, the name and address of the funeral director in whose care the body has been entered, together with the authority for such cremation and the disposition of the ashes. The owners or managers of each crematory shall within six days complete the cremation permit and file same with the town clerks or the city clerks in which the crematory is located.

325-A:3 Cremations. The body of any deceased person may be disposed of by incineration or cremation in this state or may be removed

from the state for such purpose. Any person, firm or corporation within the state, with the approval of the director of public health services may establish and maintain suitable buildings and appliances for the cremation of dead human bodies and, subject to the regulations of the said division, may cremate such bodies and dispose of the ashes of the same, provided that they do not interfere with public health laws and regulations. If death occurred in this state, the certificate of death required by law shall be filed with the town clerk or the city clerk of the town or city in which such person died. The body of a deceased person shall not be cremated within forty-eight hours after his decease unless he died of a contagious or infectious disease, and, if the death occurred within the state, the body shall not be received or cremated by any person or firm authorized to cremate the bodies of the dead until such person or firm has received the certificate of burial permit required by law before burial, and a certificate from a medical referee or deputy medical referee that he has viewed the body and made personal inquiry into the cause and manner of death, and is of the opinion that no further examination or judicial inquiry concerning the same is necessary. For said certificate the medical referee shall receive a fee of fifteen dollars, payable by the person requesting the same. If the death occurs without the state, the reception and cremation of the body of a deceased person shall be governed by regulations made or approved by the director of public health services.

325-A: 4 Containers. No dead body shall be removed, transported or shipped to any crematory unless encased in a casket or other suitable solid container made for such purpose. Such casket or container shall be incinerated with the dead human body.

325-A: 5 Rules and Regulations. The director of public health services shall make such rules and regulations as are necessary to govern construction and operation of crematories and for the enforcement of this chapter.

325-A: 6 Penalties. Any person who shall violate any sections of this chapter, or any rule or regulation made by the director of public health services, shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than thirty days nor more than one year, or both.

352: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 353.

AN ACT RELATIVE TO THE ISSUANCE OF STATE NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

353: 1 Repeal. RSA 5:7, 8 and 9 relative to certification and accounts of state notes by the secretary of state are hereby repealed.

353: 2 One Year Notes Authorized to Pay Charges on Highway Fund. Amend RSA 6 by inserting after section 13-a (supp) the following new section:

6:13-b [New] —Highway Fund. If payments of money are due from the highway fund and there are not sufficient highway funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of fifteen million dollars. The short term loans authorized hereunder shall be repaid from highway income or from federal reimbursement for highway purposes.

353:3 Approval of Governor for Sale of Notes Deleted. Amend RSA 6-A:6 (supp) as inserted by 1967, 88:1 by striking out the last sentence so that said section as amended shall read as follows:

6-A:6 Sale of Bonds. Bonds issued hereunder shall be sold by the state treasurer with the approval of the governor and council in such manner as the governor and council deem to be most advantageous to the state.

353:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 354.

AN ACT RELATIVE TO WORKMEN'S COMPENSATION TO STATE EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

354:1 Comptroller's Payment of Workmen's Compensation Claims. Amend RSA 281:6 (supp) as amended by 1959, 255:1 and 1967, 403:6 by striking out said section and inserting in place thereof the following:

281:6 Authority for Payment. The comptroller is hereby authorized to pay such sum or sums as may be awarded to state employees under the provisions of this chapter. If the injured claimant was employed in a department or agency which has received a legislative appropriation for this purpose, the comptroller shall transfer from such department or agency to the appropriation made to him for such purpose the amount he paid to the claimant. In the event there are not sufficient funds appropriated to the comptroller to make payments hereunder, the governor upon request of the comptroller is authorized to draw his warrant for such sums from any money in the treasury not otherwise appropriated. The comptroller shall submit a detailed report to the house appropriations committee of expenditures and transfers made pursuant to this section on or before the first day of any legislative session.

354:2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 25, 1971.]

[Effective date July 1, 1971.]

CHAPTER 355.**AN ACT LIMITING THE SCOPE OF INQUIRY DIRECTED TO APPLICANTS
FOR STATE EMPLOYMENT AND STATE LICENSING.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

355:1 Public Office. Amend RSA 98 by inserting after section 19 the following new section:

98:20 [New] Applicant's Criminal Record. No applicant for state employment shall be required by the state to answer any question concerning whether the applicant has ever been arrested or indicted for a crime. This section shall not prohibit asking an applicant whether he has ever been convicted of a crime.

355:2 Occupations and Professions. Amend RSA by inserting after chapter 332 the following new chapter.

CHAPTER 332-A [NEW]**LICENSING STANDARDS ESTABLISHED**

332-A:1 Licensing Questions Restricted. Any person required by RSA title XXX to apply to the state for a license to practice his occupation or profession shall not be required to answer any question concerning whether he has been arrested or indicted for a crime. This section shall not prohibit the state from asking whether the applicant has ever been convicted of a crime.

355:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 356.**AN ACT RELATIVE TO REGULATION OF SHORTHAND
COURT REPORTING.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

356:1 New Chapter. Amend RSA by inserting after chapter 331-A the following new chapter:

CHAPTER 331-B [NEW]**SHORTHAND COURT REPORTING**

331-B:1 Purpose of Chapter. This chapter is designed to encourage proficiency in the practice of shorthand court reporting as a profession; to promote efficiency in court reporting and to extend to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those engaged in it.

331-B: 2 Definitions.

I. "Shorthand reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing a verbatim record of the spoken word.

II. "Shorthand reporter" means any person who is engaged in the practice of shorthand reporting as a profession.

III. "Board" means the advisory board of shorthand reporters as created by this chapter.

IV. "Secretary" shall mean the secretary of the board.

V. Whenever the terms "shorthand reporter, shorthand reporters, shorthand reporting, certified shorthand reporter, or certified shorthand reporters" appear in this chapter, same shall be limited to mean "shorthand court reporter, shorthand court reporters, shorthand court reporting, certified shorthand court reporter or certified shorthand court reporters" only.

331-B: 3 Certified Shorthand Reporter; Examination Required. The board shall issue a certificate to each applicant who successfully passes the examination for a certified shorthand reporter, or who is eligible for a certificate under the provisions of this chapter. The board shall conduct examinations for certification under this chapter semiannually at such times and places as it may designate. Applicants shall be notified in writing of the time and place of such examination, at least thirty days prior thereto. The board may make such rules and regulations as are necessary to carry out this chapter, to include reasonable criteria and standards to be complied with by applicants for examination to insure their competency in the field of shorthand reporting.

331-B: 4 Qualifications for Applicant for Examination. The board shall examine every person who: Has applied for examination and registration and shall have paid the fee required by this chapter; and has submitted proof satisfactory to the secretary that he is not less than nineteen years of age; a citizen of the United States, of good moral character; and that he has a high school education or the equivalent thereof, as defined by the state department of education.

331-B: 5 Savings Clause. Any citizen of the United States over the age of nineteen years, who is of good moral character and who shall submit to the board an affidavit under oath, on or before one year after the effective date of this chapter, that he or she has been actively and continuously engaged in the practice of shorthand reporting in the state six months before the effective date of this chapter, shall upon payment of the fee required, be exempt from taking any examination prescribed herein and shall be granted a certificate as a certified shorthand reporter.

331-B: 6 Reciprocity. The secretary shall issue a certificate as a certified shorthand reporter to any person who shall submit to the board satisfactory proof that he holds a valid and unrevoked certificate as a certified shorthand reporter issued under the laws of any state or territory of the United States or the District of Columbia having a similar reciprocity clause, which certificate shows that it is based on standards and requirements equivalent to those prescribed by the New Hampshire certified shorthand reporter board, or submit satisfactory proof of having received the National Shorthand Reporters Association's certificate of proficiency.

331-B: 7 Application Fee. There shall be paid to the secretary by each applicant for a certificate either by examination or under the provisions of RSA 331-B: 5 or 6, a fee of twenty-five dollars which shall accompany the application. Should any applicant fail to pass the examination he shall be entitled to take the next two succeeding examinations without payment of an additional fee.

331-B: 8 Individual Seals Required. Every certified shorthand reporter under this chapter shall have a seal which must contain the name of the shorthand reporter, his place of business and the words "Certified Shorthand Reporter, State of New Hampshire" with which he shall stamp all transcripts of testimony prepared by him or under his supervision for use in this state. No certified shorthand reporter shall affix or permit to be affixed his seal to any transcript of testimony not prepared by him or under his supervision, nor shall any such reporter use his seal or do any other act as a certified shorthand reporter unless holding at the time a valid certificate under this chapter.

331-B: 9 Revocation or Suspension. A certificate issued under this chapter may be suspended or revoked for one or more of the following reasons:

I. Conviction of a felony.

II. Fraud or misrepresentation resorted to in obtaining a certificate under this chapter.

III. Fraud, dishonesty, corruption, willful violation of duty or gross incompetency in practice.

331-B: 10 Notice and Hearing. Prior to the revocation or suspension of any certificate, notice and opportunity for hearing shall be afforded the certificate holder.

331-B: 11 Renewal of Certificate. Every certified shorthand reporter who continues in the active practice of shorthand reporting shall annually, on or before November 1, following the date of issuance of the certificate under which he is then entitled to practice, renew such certification and pay a fee of ten dollars per annum. Every certificate which has not been renewed in the month of November in any one year shall expire on the first day of December in that year. A certificate expiring under this chapter may be reinstated upon application to the secretary upon good cause shown.

331-B: 12 Practice of Shorthand Reporting. From and after January 1, 1972 no person shall engage in the practice of shorthand reporting unless such person is the holder of the certificate in full force and effect issued by the board or is under the control and supervision of a certified shorthand reporter.

331-B: 13 Designation as Certified Shorthand Reporter. Any person holding a valid certificate as a shorthand reporter as herein provided shall be styled and known as a certified shorthand reporter. No other person shall assume or use the title "Certified Shorthand Reporter" or the abbreviation "C.S.R." or any words, letters or figures to indicate the person using the same is a certified shorthand reporter.

331-B: 14 Disposition of License Fees. All funds derived from license fees paid under this chapter shall be paid to the board to be used for the administration of this chapter.

331-B: 15 Penalties. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and such offense shall be punishable by a fine not to exceed five hundred dollars or imprisonment for not more than six months or both.

331-B: 16 Advisory Board. The governor and council shall appoint a three man advisory board of certified shorthand reporters each to serve for a term of three years and until his successor is appointed and qualified. However, the initial members of this board shall be appointed one for a term of three years, one for a term of two years and one for a term of one year. The board shall organize, elect a chairman, a secretary and a treasurer and thereafter shall meet upon call of the chairman. The board shall make recommendations and rules relative to the operation and regulations for licenses issued hereunder, including examinations and determination of those applicants entitled to receive certificates and rules for conduct of hearings as provided in this chapter. The members of the advisory board shall receive no compensation for services performed hereunder.

331-B: 17 Surety Bond Required. There shall be filed with each original application for license a bond in the form of a surety, by a reputable company engaged in the bonding business, authorized to do business in the state, for the penal sum of one thousand dollars with one or more sureties, to be approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions or requirements of this chapter. If any person shall be aggrieved by the misconduct of any such licensee, such person may maintain an action in his own name upon the bond of said licensee in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same upon the bond of such licensee or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this chapter shall not be exclusive of any other remedy which would otherwise exist.

356: 2 Effective Date. This act shall take effect as of August 1, 1971, in so far as preparations for examinations, issuance of certificates are concerned and the remainder of the act shall take effect as therein otherwise provided.

[Approved June 25, 1971.]

[Effective date August 1, 1971.]

CHAPTER 357.

AN ACT RELATIVE TO THE ESTABLISHMENT OF AN ELECTRIC POWER PLANT AND MAJOR TRANSMISSION SITING AND CONSTRUCTION LICENSING PROCEDURE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

357:1 New Chapter. Amend RSA by inserting after chapter 162-E the following new chapter:

CHAPTER 162-F [NEW]

ELECTRIC POWER PLANT AND MAJOR TRANSMISSION
SITING AND CONSTRUCTION PROCEDURE

162-F: 1 Declaration of Purpose. The legislature finds that the present and predicted growth in electric power demands in the state of New Hampshire requires the development of a procedure for the selection and utilization of sites for generating facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The legislature, accordingly, finds that the public interest requires that it is essential to maintain a balance between the environment and the need for new power sources; that electric power supplies must be constructed on a timely basis; that in order to avoid undue delay in construction of needed facilities and to provide full and timely considerations of environmental consequences, all electric entities in the state should be required to engage in adequate long-range planning and provide full and complete disclosure to the public of such plans; that a certifying body be established for the preconstruction review of bulk power supply facility sites and all related bulk power supply facilities; that the siting of bulk power plants and high-voltage transmission lines should be treated as a significant aspect of land-use planning in which all environmental, economic and technical issues should be resolved in an integrated fashion; that existing laws do not provide an adequate procedure for the coordination of reviews to assure protection of environmental values and certifying the construction, operation or maintenance of bulk power supply facilities so as to assure the state an adequate and reliable supply of electric power in conformance with sound environmental utilization; and that existing laws do not provide adequate public voice in the decision on the location of bulk power supply facilities at a specific site. The legislature, therefore, hereby establishes a procedure for the planning, siting and construction of bulk power supply facilities.

162-F: 2 Definitions.

I. "Bulk power supply facilities" means:

(a) Electric generating station equipment and associated facilities designed for, or capable of, operation at a capacity of 50 megawatts or more;

(b) An electric transmission line of a design rating of 100 kilovolts or more, associated with a generating facility outlined in (a), over a route not already occupied by a transmission line or lines;

(c) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of ten miles in length over a route not already occupied by a transmission line or electric transmission lines of a design rating in excess of 100 kilovolts which the site evaluation committee or commission determines should require a certificate because of a substantial environmental impact.

II. "Site evaluation committee" means the bulk power supply site evaluation committee established by this chapter.

III. "Commission" means the New Hampshire public utilities commission.

IV. "Person" means any individual, group, firm, partnership, corporation, cooperative, municipal, political subdivision, government agency, or other organization.

V. The words "public utility" or "utility" means any electric utility engaged in the production, distribution, sale, delivery or furnishing of electricity, including municipalities, cooperatives, regulated electric companies, agencies or any combination thereof.

VI. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site or the route but does not include land surveying, optioning or acquiring land, rights in land; changes desirable for the temporary use of the land for public recreational uses; necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

162-F: 3 Site Evaluation Committee. The bulk power supply facility site evaluation committee shall consist of the executive director and the chief aquatic biologist of the water supply and pollution control commission, the commissioner of the department of resources and economic development, the director of fish and game, the director of the office of planning, the chairman of the water resources board, the director of the radiation control agency, the executive secretary of the air pollution control commission, the commissioner of the department of health and welfare, the director of the division of parks, the director of the division of resources, the chairman of the public utilities commission and the chief engineer of the public utilities commission. The director of water supply and pollution control commission shall be chairman of the committee. Provided that in the event there is created an agency or department whose function is the protection and preservation of the environment of the state, then the director of that agency shall be the chairman of the committee.

162-F: 4 Plans. Each utility shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the public utilities commission within ninety days after enactment hereof provided that such guidelines shall be approved by the site evaluation committee which may make such modifications as it may deem necessary within the purposes of this chapter. These plans may be part of a regional plan and shall:

I. Describe the general location, size and type of all bulk power supply facilities to be owned or operated by such utility and whose construction is projected to commence during the ensuing ten years or during such longer period, but not to exceed a total of fifteen years, as the commission may determine to be necessary, together with an identification of all existing facilities to be removed from utility service through such period or upon completion of construction of such bulk power supply facilities.

II. Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-F: 2, I, including an inventory of sites for all plants on which construction may be commenced in the succeeding five years, and the general location of the routes of transmission lines as defined in RSA 162-F: 2, I and indicate the relationship of the planned sites, routes, and facilities thereon to the environment.

II-a. Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-F: 2, I, including an inventory of sites for all plants on which construction may be commenced in the succeeding five years, and the general location of the routes of transmission lines as defined in RSA 162-F: 2, I and indicate the relationship of the planned sites, routes, and facilities thereon to the environmental values and describe generally how potential adverse effects on such values will be lessened. Such sites shall be indicated in relation to the location of existing plants and tentative sites planned or announced by utilities within a two hundred mile radius of the site.

III. Reflect and describe such utility's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify environmental problems at the earliest possible stage in the planning process.

IV. Supply such additional information as the site evaluation committee, upon the advice of interested state and federal agencies, may from time to time prescribe to carry out the purposes of this chapter.

V. Each utility shall give initial public notice of its plans referred to in paragraph I by filing annually a copy of such plans, together with its projections of demand for electricity that the facilities would meet, with the public utilities commission and with such other affected state and local governmental authorities and citizens' environmental protection and resource planning groups requesting such plans.

162-F: 5 Review; Hearing. Upon receipt of plans referred to in RSA 162-F: 4, I, the public utilities commission shall notify the site evaluation committee which shall:

I. Review and comment on the long-range plans and make information contained therein readily available to the general public and interested state and local governmental entities;

II. Compile and publish a description of the proposed power plant sites and general locations of transmission line routes within the state as identified in the long-range plans, identifying the location of such sites and the possible year when construction is expected to commence and to make such information readily available to the public, to each newspaper regularly circulated within the area affected by the proposed site, and to interested state and local governmental entities. The duties imposed by this paragraph may be delegated to the public utilities commission, and all documents filed under this chapter shall be held in the offices of the public utilities commission;

III. After public notice, conduct within ninety days of the date of filing a public hearing with respect to any proposed power plant site identified five years in advance of construction and decide whether or not any such sites should be approved for inclusion within the utility's five year inventory of sites. The basis for such decision shall be whether or not the construction of any plant at the proposed site would unduly impair important environmental values, and the decision shall be rendered within six months of the date the site is identified. Provided, however, a hearing shall not be held with respect to a site approved by the site evaluation committee pursuant to this chapter.

162-F: 6 Prohibition.

I. After the effective date of this chapter, no electric utility shall commence to construct any bulk power supply facility within the state unless

it has obtained a certificate of site and facility with respect to those facilities, issued by the public utilities commission. Such facilities shall be constructed, operated and maintained in accordance with the terms of the certificate. Provided, however, that for four years from the effective date of this chapter, for good cause shown, all requirements in regard to scheduling of applications, hearings, approvals, and issuing of certificates may be shortened to allow commencement of construction to assure in-service dates for bulk power facilities which are needed to meet projected demands for electricity. No certificate is required for bulk power facilities already under construction or in operation on said effective date, but such certificates are required for sizable additions thereto as defined by the commission.

II. All applications for a certificate of site and facility shall be filed with the commission not less than two years prior to the planned date of commencement of construction of the facilities affected and such plans may be subject to reasonable modification during the period of review. As a prerequisite to such filing except for good cause shown, the electric utility shall have complied with the provisions of RSA 162-F: 4; and with respect to power plants and transmission line routes, except for a good cause shown, shall have complied with the requirement that the site selected is from among those sites in the electric utility's five-year inventory of sites approved by the site evaluation committee and that it will utilize the general transmission line routes identified in its long-range plans. Provided, however, that any applicant filing an application for a certificate of site and facility within the five years of the effective date of this chapter shall be exempt with respect to the site applied for from RSA 162-F: 4, and that the site be selected from the applicant's five-year inventory of sites.

162-F: 7 Public Hearing; Studies; Rules. Upon receipt of an application for a certificate of site and facility, pursuant to RSA 162-F: 6, the site evaluation committee and the commission shall hold a joint public hearing in the county in which the proposed facility is to be located within six months and shall publish a public notice not less than twenty-one days before said hearing in each newspaper having a regular circulation in the affected area describing the location of the proposed facilities.

I. Such public hearing shall be a joint hearing with such other agencies as have jurisdiction over the subject matter and be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The site evaluation committee and the commission may, as they deem necessary, hold subsequent public hearings giving adequate notice as to the time and place thereof.

II. The site evaluation committee and the commission shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings. The committee and the commission shall grant free access to records and reports in its files to members of the public during normal working hours and shall permit copies of such records and reports to be made by interested members of the public at their expense.

III. The site evaluation committee and the commission shall require such information from applicant utilities as it deems necessary to accompany applications for certificates of site and facility and to assist the conduct of hearings and any investigation or studies as it may undertake.

IV. No additional application shall be required of an applicant to satisfy the permit application requirements of individual agencies and departments of the state, and applications shall contain sufficient information to satisfy the requirements of individual agencies and departments having jurisdiction over the proposed construction.

V. The site evaluation committee and the commission shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants in furtherance of the duties imposed by this section, the cost of which shall be borne by applicant utilities in such amount as may be approved by the commission.

VI. The site evaluation committee and the commission shall jointly issue such rules and regulations, after public notice and hearing, as may from time to time be required to carry out the provisions of this chapter.

VII. EXEMPTION. For a period of four years from the effective date of this chapter bulk power supply facilities owned or owned upon amortization by a municipality and located entirely within the geographical limits of the municipality shall be exempt from the provisions of this chapter.

162-F: 8 Findings.

I. The site evaluation committee, after having considered available alternatives and the environmental impact of the site or route, must find that the site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal legislative bodies and will not have an unreasonable adverse effect on esthetics, historic sites, air and water quality, the natural environment, and the public health and safety, and shall send its findings to the commission within eighteen months of the filing of an application for a certificate of site and facility. The commission shall issue or deny a certificate and shall be bound by the findings of the site evaluation committee. In its decision, the commission must find that the construction of the facility:

(a) Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal legislative bodies;

(b) Is required to meet the present and future demand for electric power;

(c) Will not adversely affect system stability and reliability and economic factors; and

(d) Will not have an unreasonable adverse effect on esthetics, historic sites, air and water quality, the natural environment, and the public health and safety.

II. Findings by the site evaluation committee to the public utilities commission shall be made after a vote of the committee. A majority vote of the committee shall be conclusive on all questions of siting, land use, air and water quality. The commission shall grant a certificate only after it has reasonable assurance that all applicable state standards and requirements shall be met by the applicant and that the commission shall incorporate in its certificate such lawful terms as may be supplied to it by the site evaluation committee and those state agencies having permit or license granting responsibilities under state law.

III. In the consideration of applications for certificates of site and facility, the site evaluation committee and the commission shall assure full public review and adequate consideration of all environmental values and

other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate. The site evaluation committee and the commission may consult with interested regional agencies and agencies of border states in the issuance of such certificates.

IV. A certificate of site and facility shall either be issued or denied by the commission within two years of the date of the application being submitted and may contain such reasonable terms and conditions as it deems necessary and may provide for such reasonable monitoring procedures as may be necessary. Such certificates, when issued, shall be final and subject only to judicial review.

162-F:9 Counsel for the Public. After the commission has received an application, filed pursuant to RSA 162-F:6 hereof, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public and its interests in protecting the quality of the environment and in the assurance of an adequate electric power supply for the duration of the certification proceedings and until such time as the certification is issued or denied. He shall be accorded all the rights, privileges and responsibilities of an attorney representing a party in a formal action. This section shall not be construed to prevent any person from being heard or represented by counsel in accordance with other provisions of this chapter.

162-F:10 Review. Decisions of the site evaluation committee and the commission shall be reviewed pursuant to RSA 541.

162-F:11 Separability. If any provision or clause of this chapter, or application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this chapter are declared to be severable. Each section of this chapter shall be separable from all other sections hereof and the nullification of any section of this chapter shall have no effect upon the remaining sections of this chapter.

162-F:12 Revocation; Suspension. Any certificate granted hereunder may be revoked or suspended:

I. For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant.

II. For failure to comply with the terms or conditions of the certificate.

III. For violation of the provisions of this chapter, regulations issued thereunder, or order of the commission.

162-F:13 Penalties.

I. The superior court in term time or on vacation may enjoin any act in violation of this chapter.

II. Any construction or operation of bulk power facilities in violation of this chapter, or in material violation of the terms of a certificate issued hereunder may result in the assessment of damages not to exceed ten thousand dollars for each day of such violation.

III. Any wilful violation of any provision of this chapter shall constitute a misdemeanor and shall be punished by a fine not exceeding one thousand dollars.

357:2 Eminent Domain. Amend RSA 371:1 by striking out said section and inserting in place thereof the following:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, or a pipe line, conduit, line of poles, towers or wires across the land of another, or should acquire land, land for an electric generating station or electric substation, land for a dam site, or flowage, drainage or other rights for the necessary construction, extension or improvement of any plant, water power, or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes.

357:3 Eminent Domain Procedure. Amend RSA 371 by inserting after section 1 the following new section:

371:1-a [New] Procedure. Notwithstanding the procedures set forth in any other chapter, this chapter shall apply to all cases of eminent domain concerning public utility facilities.

357:4 Effective Date. This act shall take effect upon passage except that as it affects transmission lines it shall take effect ninety days after passage.

[Approved June 25, 1971.]

[Effective date. This act shall take effect June 25, 1971 except that as it affects transmission lines it shall take effect September 23, 1971.]

CHAPTER 358.

AN ACT RELATIVE TO INSTITUTIONAL COLLECTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

358:1 Financial Statements. Amend RSA 8 by inserting after section 41-a the following new section:

8:41-b [New] Financial Statements. Within sixty days after admittance, and annually thereafter if requested by the comptroller, a financial statement shall be filed under penalty of perjury by a person legally chargeable for expenses pursuant to RSA 8:41 on forms provided for this purpose by the division of investigation of accounts.

358:2 Support by the State. Amend RSA 8:46, as amended, by striking out said section and inserting in place thereof the following:

8:46 Support by the State.

I. Any person transferred to the New Hampshire hospital for observation as to sanity under RSA 135 shall be at state expense for the observation period only.

II. Any patient or inmate of such institution or patient receiving care, treatment or maintenance at the direction of the commissioner of health

and welfare who has no means of support and no person chargeable for his support shall be supported by the state.

358:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 359.

AN ACT TO PERMIT USE BY TOWNS AND CITIES OF PROPERTY ACQUIRED BY TAX COLLECTOR'S DEED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

359:1 Public Use. Amend RSA 80 by inserting after section 42 the following new section:

80:42-a [New] Retention for Public Use. Towns and cities may retain and hold for public uses real property the title to which has been acquired by them by tax collector's deed under the provisions of RSA 80:42, upon vote of the town meeting or city council approving the same.

359:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 360.

AN ACT AMENDING THE BUSINESS PROFITS TAX TO CLARIFY THE PROVISION FOR THE TAXATION OF AFFILIATED CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

360:1 Income of Affiliates. Amend RSA 77-A:4 as inserted by 1970, 5:1 by adding after paragraph IV thereof the following new paragraph:

V. In the case of a corporation which is the parent of an affiliated group pursuant to the provisions of chapter 6 of the United States Internal Revenue Code (1954) as amended, a deduction of such amounts of gross business profits as are derived from dividends paid to the parent by a subsidiary or subsidiaries whose gross business profits have already been subject to taxation under this chapter during the same taxable period. The purpose of this deduction is to prevent double taxation on the identical gross business profits of a controlled corporation or group of corporations and its parents.

360:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 361.

AN ACT CHANGING PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF DEERING AND HILLSBOROUGH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

361:1 Town Line. The boundary line between the towns of Deering and Hillsborough shall be as follows: Beginning at a point in the center of the Contoocook River at the northeast corner of the town of Antrim; thence running in an irregular course, following the center-line of said Contoocook River northerly, easterly, southeasterly and northerly to a point, said point being on the easterly side of land now belonging to Angus Lea Golf Course, Inc. and on the line formerly established as the Hillsborough-Deering town line; thence running in a straight line along the old Hillsborough-Deering town line approximately north 89° east to the southeast corner of the town of Hillsborough. All that portion of the town of Deering lying south of the above described line is hereby disannexed from the town of Hillsborough and annexed to the town of Deering, and all that portion of the town of Hillsborough lying north of the above described line is hereby disannexed from the town of Deering and annexed to the town of Hillsborough.

361:2 Referendum. The provisions of section 1 of this act shall take effect pursuant to the provisions of RSA 51:9 upon ratification by two-thirds of those voters present and voting in the towns of Deering and Hillsborough, and each town clerk shall certify within ten days to the secretary of state the result of said referendum.

361:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 25, 1971.]

[Effective date August 24, 1971.]

CHAPTER 362.

AN ACT RELATIVE TO DIRECTORS OF SAVINGS AND COMMERCIAL BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

362:1 Limitation on Directors. Amend RSA 384:5-a as inserted by 1961, 248:11 by striking out said section and inserting in place thereof the following:

384:5-a Limitation. No person shall at the same time serve as a trustee, director or officer of more than one of the following types of financial institutions:

- I. Cooperative bank;
- II. Building and loan association;
- III. Federal savings and loan association;
- IV. Trust company;

V. National bank;

VI. Mutual savings and guaranty savings banks.

The provisions of this section shall not apply:

(a) With respect to any persons who hold such positions in more than one of such financial institutions as of July 1, 1971, except where such persons are elected, appointed, re-elected or re-appointed subsequent to June 30, 1971; or

(b) with respect to any person serving as trustee, director or officer of more than one affiliate of a bank holding company as defined in RSA 384-b: 1 (IV, V).

362:2 Effective Date. This act shall take effect July 1, 1973, provided, however, that if the institutions of which a person is a trustee, director or officer are both located in a town of less than four thousand persons the prohibitions of RSA 384: 5-a shall not take effect until July 1, 1975.

[Approved June 25, 1971.]

[Effective date. Effective July 1, 1973, except that in cases as provided in RSA 362:2 the prohibitions of RSA 384: 5-a shall not take effect until July 1, 1975.]

CHAPTER 363.

AN ACT RELATIVE TO THE CORRECTION OF TAX LAWS DUE TO REPEAL
OF STOCK IN TRADE AND OTHER TAXES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

363:1 House Trailers. Amend RSA 72: 7-a, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. A house trailer, travel trailer, or mobile home suitable for use for domestic, commercial or industrial purposes is taxable in the town in which it is located on April first in any year if it was brought into the state on or before April first and remains here after June fifteenth in any year; except that a travel trailer as determined by the state tax commission, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than forty-five days, except for storage only, shall be exempt from taxation. This paragraph shall not apply to mobile homes held for sale or storage by an agent or dealer.

363:2 Repeal. RSA 72: 18, relative to excluding registered sires from inventory is hereby repealed.

363:3 Repeal. RSA 72: 20, relative to contracts for exemption from taxation granted by towns to individuals is hereby repealed.

363:4 Repeal. RSA 72: 21, relative to income of ships is hereby repealed.

363:5 Animals, Pumps and Tanks, Stock In Trade. Amend RSA 73: 4 by striking out said section and inserting in place thereof the following:

73:4 Personalty. Vehicles liable to be taxed, kept in any town and owned by a person not a resident therein, shall be taxed in such town to the owner or person having the care thereof on April first, whether such person be a resident in the town or not; and the consent of the person having such care to be taxed for the same shall not be necessary, but shall have a lien on such property for the amount of the tax paid by him.

363:6 Repeal. RSA 73:5 (supp) as amended by 1963, 85:1 and 1965, 33:1 relative to later taxation of certain items brought into towns after April first and before January first is hereby repealed.

363:7 Repeal. RSA 73:5-a (supp) as inserted by 1961, 79:1, relative to permits for temporary use of equipment is hereby repealed.

363:8 Repeal. RSA 73:7, relative to fishing vessels, steamboats or other vessels is hereby repealed.

363:9 Repeal. RSA 73:8, relative to income of vessels and place of taxation is hereby repealed.

363:10 Living Animals and Stock In Trade. Amend RSA 73:22 by striking out in lines eight and nine the words "but living animals and stock in trade shall be taxed in the town in which they are kept" so that said section as amended shall read as follows:

73:22 Trusts. The real and personal estate of any legatee or ward, and all taxable property held in trust, shall be taxed to the administrator, guardian, conservator or trustee, the real estate in the town in which it is situated, and the personal estate in the town in which such administrator, trustee, guardian or conservator resides, if in this state; otherwise in the town in which such legatee, ward or person beneficially interested resides, if in this state; otherwise in the town in which the deceased resided at death.

363:11 Repeal. RSA 74:4, II (supp) as inserted by 1969, 287:16, relative to owner's estimate of value of stock in trade and amount of wood, timber etc. is hereby repealed.

363:12 Repeal. RSA 78:8, relative to the stock in trade tax on tobacco products is hereby repealed.

363:13 Stock In Trade Tax on Motor Vehicles. Amend RSA 260:34 by striking out in lines two and three the words "except when held by a manufacturer or bona fide dealer as part of his stock in trade" so that said section as amended shall read as follows:

260:34 Taxation. Motor vehicles owned or controlled by residents of this state shall not be taxed.

363:14 Effective Date. This act shall take effect upon its passage.

[Approved June 28, 1971.]

[Effective date June 28, 1971.]

CHAPTER 364.

AN ACT TO REVISE THE PROCEDURES GOVERNING THE PRACTICE OF
DENTISTRY IN THE STATE OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

364:1 New Chapter. Amend RSA by inserting after chapter 317 the following new chapter.

CHAPTER 317-A [NEW]

DENTISTS AND DENTISTRY

317-A:1 Purpose. For the protection of the public health, safety, and welfare, any person practicing or offering to practice dentistry in New Hampshire, must submit evidence that he is qualified to so practice and shall be licensed as hereinafter provided. No person shall practice or offer to practice dentistry in New Hampshire or use any title, sign, card, device or the abbreviation D.M.D. or D.D.S., or any other designation indicating that such person is practicing dentistry unless such person has been licensed under the provisions of this chapter.

Examining Board

317-A:2 Appointment; Term; Removal. There is hereby established a New Hampshire state board of dental examiners of five members. One member shall be appointed each year by the governor, with the advice and consent of the council, from a list submitted by the New Hampshire Dental Society to the governor. Each member shall hold office for a term of five years or until a successor shall have been duly appointed and qualified, unless sooner removed by the same authority for cause. Vacancies shall be filled by appointment in like manner for the unexpired term. Appointment of members shall be for terms which expire July fifteenth of the respective years. The first board shall be appointed in the following manner: members of the New Hampshire state dental board appointed under the provisions of RSA 317:1 shall continue in office for the remainder of their unexpired terms. Three new members shall be appointed for terms of office of three, four and five years, respectively. Annually thereafter, the appointments shall be for a five year term.

317-A:3 Eligibility. Members of the board shall be residents of this state and shall have been engaged in the practice of dentistry in this state for a period of ten years prior to their appointment. Members of the board may also be faculty members of schools of dentistry, but such members shall constitute a minority of the members of the board.

317-A:4 Organization; Meetings; Records. Said board shall choose one of its members as its president and one of its members as secretary-treasurer thereof. Three members shall constitute a quorum. Said board shall meet once a year and at such other times and places as it may deem proper. The records of the board's proceedings shall be open to public inspection.

317-A:5 Report; Receipts. The board shall make an annual report of its proceedings to the governor by June thirty in each year, and all fees

and fines received by the board shall be paid monthly by the secretary-treasurer to the state treasurer.

317-A: 6 Compensation. The members of the board shall each receive fifty dollars for each day actually engaged in the duties of their office, plus reasonable expenses necessarily incurred in the discharge of their official duties.

Examinations and Licenses

317-A: 7 License Required. No person shall begin the practice of dentistry, or any branches thereof, without first obtaining a license for such purpose from the board.

317-A: 8 Applications. Applications for license shall be made to said board in writing, and shall be accompanied by a fee of fifty dollars and by satisfactory proof that the applicant is a graduate of a recognized dental school. The applicant shall be a citizen of the United States, of good moral character, and at least twenty-one years of age.

317-A: 9 Examinations. Except as otherwise provided, applicants shall be examined by said board. The examinations may be oral, clinical, written or any combination thereof at the discretion of the board, and shall be of such character as to test the qualifications of the applicant to practice dentistry and no license shall be granted to any applicant who shall not pass such examination satisfactorily to said board. The board shall have the authority to grant a license to practice dentistry to applicants who have successfully passed the requirements of any national or regional testing agency acceptable to the board.

317-A: 10 License. All licenses issued by the said board shall be signed by all the members thereof and attested by its president and secretary-treasurer.

317-A: 11 Display of License. Such licensee who engages in the practice of dentistry in this state shall cause his license to be at all times displayed in a conspicuous place in the office wherein he shall practice, and shall, whenever requested, exhibit such license to any of the members of said board or its authorized agent.

317-A: 12 Rules and Regulations. The board shall have the power to make, amend, and adopt reasonable rules and regulations to carry out the purposes of this chapter. The board shall have the power to make, amend, and adopt rules and regulations governing the conduct of dental hygienists and other auxiliary personnel employed by licensed dentists. The board may make, amend, and adopt rules and regulations establishing requirements for continuing education as a prerequisite for renewal of licenses of dentists and dental hygienists.

317-A: 13 Registration. Every person licensed to practice dentistry or dental hygiene in this state, except as provided in RSA 317-A: 16 shall, in 1972, and biennially, in even-numbered years thereafter, on or before April first, renew his license on forms provided by the board and shall pay a fee of fifteen dollars. He shall also notify the board promptly of any change of his business address which may occur during the period between biennial registration.

317-A: 14 Notice of Registration. Biennially in each even-numbered year, on or before the fifteenth day of February, the board shall mail to each licensee a notice of registration and renewal forms thereof.

317-A: 15 Neglect to Register. Any failure, neglect or refusal on the part of any person licensed by the board to register as provided in RSA 317-A: 13, shall automatically suspend such license. Licenses suspended for failure to register shall not be restored except after hearing before the board and on the payment of a fee of twenty-five dollars.

317-A: 16 Inactive List. A dentist or dental hygienist licensed under this chapter, who does not intend to engage in the practice of his profession in New Hampshire, upon written request to the board, may have his name transferred to an inactive list and shall not be required to register biennially or pay any registration fee as long as he remains inactive. Any dentist or dental hygienist whose name has been included in the inactive list as herein provided shall be restored to active status by the board upon the filing of a written request with said board, the furnishing of evidence of continuing competence satisfactory to said board, and upon payment of the required registration fee of fifteen dollars.

317-A: 17 Refusal and Revocation of Licenses. The board, after hearing may suspend or revoke or refuse to issue a license when it has been established to its satisfaction that a dentist or dental hygienist is an habitual user of drugs, intoxicants, or afflicted with physical disability, insanity, psychiatric disorders or other disease deemed dangerous to the public health; or is grossly ignorant or incompetent; or is guilty of malpractice, dishonest, unprofessional or immoral conduct; or negligence in practicing dentistry or dental hygiene; or employed or allowed an unlicensed person to practice in his office; or has failed to provide adequate safeguards in regard to sterilization techniques, sanitation or radiation techniques; or if in advertising his business he has included in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public, or any statement claiming professional superiority; or has advertised in any way the performance of professional services in a superior manner; or the performance of painless operations of a dental or oral surgical nature; or has advertised definite and fixed prices for services and materials when the nature of the professional services rendered and the materials required must be variable; or has advertised the use of any drug or medicine of an unknown formula; or any system of anesthetic that is unnamed, misnamed, misrepresented, or not in reality used or is advertised by means of signs or printed advertisements, or showcases containing therein the representation of a tooth, teeth, dental restoration of any kind; or any portion of the human head or neck; or photographs of any person; or has violated the rules and regulations of the New Hampshire state dental board; or has violated the code of ethics of the New Hampshire Dental Society or the American Dental Association.

317-A: 18 Charges; Procedure. When written charges against any person have been filed with its secretary-treasurer, and seem substantiated by affidavit, the board shall fix a time and place for hearing, shall give written notice thereof to the person against whom charges are made, and shall furnish him with a copy of the charges at least twenty days prior to the date for hearing. At such hearing, said board shall have power to compel the attendance of and to swear witnesses. Charges may be brought

by a member of the board, who would disqualify himself from passing judgment on the case, or by the New Hampshire dental service corporation, or by state or district dental societies, or by any individual.

317-A: 19 Duplicate Licenses. The fee for every duplicate license issued by said board, except as provided in RSA 317-A: 15 shall be five dollars.

317-A: 20 Practice of Dentistry. A person shall be regarded as practicing dentistry within the meaning of this chapter who uses or permits to be used, directly or indirectly, for profit or otherwise, for himself or for any other person, in connection with his name, the word "dentist", or "dental surgeon", or the title "D.D.S." or "D.M.D." or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly imply the practice of dentistry; or who owns, leases, maintains, or operates a dental business in any office or other room or rooms where dental operations are performed, or directly or indirectly is manager, proprietor, or conductor of the same; or who directly or indirectly informs the public in any language, orally, in writing, or in printing, or by drawings, demonstrations, specimens, signs, or pictures that he can perform or will attempt to perform dental operations of any kind, or who undertakes, by any means or method, gratuitously or for a salary, fee, money, or other reward paid or granted directly or indirectly to himself or to any other person, to diagnose or profess to diagnose, or to treat or profess to treat, or prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures; or who extracts human teeth, corrects malpositions thereof or of the jaws; or who, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist, shall directly or indirectly by mail, carrier, personal agent, or by any other method, furnish, supply, construct, reproduce, repair prosthetic dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth, or adjust the same; or who administers dental anesthetics, either general or local; or who engages in any of the practices included in the curricula of recognized dental colleges; provided that nothing herein shall prevent regularly licensed physicians or surgeons from treating or prescribing for lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures, or from extracting human teeth or administering anesthetics, or using or prescribing drugs or other remedies; nor shall it prevent students from performing dental operations under the supervision of a registered dentist at a state institution or competent instructors within a dental school, college, or dental department of a university recognized by said board, or prevent students from serving as interns in any hospital approved by said board. Such things as the board shall determine to be "dental hygiene" under sections RSA 317-A: 12 or 317-A: 21 shall not be deemed to be the practice of dentistry within this section.

Dental Hygienist

317-A: 21 Eligibility; Examination; Registration. Any person of good moral character and eighteen years of age or over, who is a graduate of a training school for dental hygienists requiring a course of not less than two academic years and approved by said board, may, upon the payment of twenty-five dollars, be examined by said board in the subjects

considered essential by it for a dental hygienist, and if, his examination is satisfactory, shall be registered as a dental hygienist to practice dental hygiene as defined by the New Hampshire state dental board under the direction of a registered dentist of this state, and in public or private schools, or institutions, upon approval by the local board of health.

317-A: 22 Reciprocal Licenses. The dental board may in its discretion issue a license to practice dental hygiene without examination to a legal practitioner who takes up his residence in this state, provided applicant is legally registered to practice dental hygiene in the state from which he removes, and provided he shall meet the requirements prescribed in RSA 317-A: 21, and further provided that the state from which he removes shall in like manner recognize licenses issued by the New Hampshire state dental board to licensees of this state who may wish to remove to such other state.

317-A: 23 Non-practice. None of the following procedures may be assigned to a dental hygienist or assistant or to any other person not licensed to practice dentistry:

I. Diagnosis, treatment planning and prescriptions (including prescriptions for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances).

II. Surgical procedures on hard or soft tissues within the oral cavity; or any other inter-oral procedure that contributes to, or results in an irremediable alteration of the oral anatomy.

Interstate Provisions

317-A: 24 Removal to State. The dental board may in its discretion issue a license to practice dentistry without examination to a legal practitioner who takes up his residence in this state, provided applicant is legally registered to practice dentistry in the state from which he removes, and has been engaged in actual practice for five years immediately preceding his application and removal, and provided he shall meet the requirements prescribed in RSA 317-A: 8, and further provided that the state from which he removes shall in like manner recognize licenses issued by the New Hampshire state dental board to licensees of this state who may wish to remove to such other state.

317-A: 25 Removal from State. Any one who is licensed to practice dentistry in this state, and of good moral character, and known to the dental board as such, who desires to change his residence to another state, territory or country, shall, upon application to the dental board, receive a special certificate over the signature of the president and secretary-treasurer of said board, which shall attest such facts, and give the date upon which he was licensed.

317-A: 26 Fees. The fee for issuing a license under RSA 317-A: 24 shall be fifty dollars; for issuing a certificate under RSA 317-A: 22, twenty-five dollars; and for issuing a certificate under RSA 317-A: 25, five dollars. In each case the fee shall be paid in advance.

Regulations and Penalties

317-A: 27 Display of Names. Any association or company of persons, whether incorporated or not, who shall engage in the practice of dentistry under the name of company, association, or any other title, shall

cause to be displayed and kept in a conspicuous place at the entrance of its place of business the name of each person employed therein in the practice of dentistry; and any one so employed whose name shall not be so displayed, and the said association or company, if incorporated, or the persons comprising the same if not incorporated, shall, for the failure to display the aforesaid names, be deemed guilty of a violation of the provisions of this chapter.

317-A: 28 Assistants; Qualifications. No manager, proprietor, partnership, association, or corporation, owning, operating, or controlling any place where dental work is done, provided or contracted for, shall employ, keep or retain any unlicensed person or dentist as an operator.

317-A: 29 List of Assistants. Such manager, proprietor, partnership, association, or corporation shall, within ten days after demand made by the secretary-treasurer of the dental board by registered mail, furnish to said secretary-treasurer the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing.

317-A: 30 Death of Licensee. No person not a registered dentist shall, directly or indirectly, practice dentistry in this state, except as is provided in this chapter; but the widow, executor, or administrator of a registered dentist who has died, or the wife of one who is incapacitated, may continue his business under a registered dentist.

317-A: 31 Business Name. No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The provisions of this section shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a corporate title containing the name of the dentist or dentists actually owning the practice, so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time, actually owning the practice.

317-A: 32 False Papers. Any person filing or attempting to file as his own the diploma or license of another, for a forged affidavit of identification or qualification, shall be deemed guilty of forgery.

317-A: 33 Penalty. Except as otherwise provided any person who shall practice or attempt to practice dentistry in this state without a license, or who violates any of the provisions of this chapter shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not more than six months, or both.

317-A: 34 Injunction. The state dental board may petition the superior court for an injunction to restrain the practice of dentistry, as defined in RSA 317-A: 20, by any person other than a licensed dentist or such other persons as are specifically excepted from the operation of RSA 317-A: 20. In such proceedings the board shall be represented by the attorney general, and such petition may be filed in the superior court for the county in which the defendant named therein resides, or, if such defendant is a non-resident, then in the superior court for any county in which the named defendant does business. The petition for such injunction or the issuance thereof shall be in addition to, and shall not relieve any such person from, criminal prosecution. In connection with any such

petition for an injunction, it shall not be necessary to prove that an adequate remedy at law does not exist.

317-A: 35 Disposal of Fines. All fines imposed and collected under this chapter shall be paid by the court or justice to the secretary-treasurer of the board.

317-A: 36 Location of Office. The office of the New Hampshire state board of dental examiners shall be located in the bureau of dental public health, division of public health services, department of health and welfare.

364: 2 Repeal. RSA 317, relative to dentists and dentistry, is hereby repealed.

364: 3 Effective Date. This act shall take effect July 1, 1971.

[Approved June 28, 1971.]

[Effective date July 1, 1971.]

CHAPTER 365.

AN ACT RELATIVE TO THE POLICEMEN'S RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

365: 1 Policemen's Retirement System. Amend RSA 103:12 as amended by 1957, 50: 3, 189: 2; 1961, 191: 3 and 1963, 238: 4 by striking out said section and inserting in place thereof the following:

103: 12 Retirement. Any permanent policeman who accepts the provisions of this chapter may retire from active service after serving as a permanent policeman for a period of twenty-five continuous years or after reaching the age of sixty-five regardless of his period of services as a permanent policeman. All permanent policemen who accept the provisions hereof and who have served as permanent policemen for twenty-five continuous years shall retire from active service at the age of seventy. Any permanent policeman accepting the provisions hereof who shall be dismissed from service after having served as a permanent policeman for a period of twenty-five continuous years, or after reaching the age of sixty-five regardless of his period of service as a permanent policeman, shall be entitled to the benefits of this chapter. Upon retirement a permanent policeman shall no longer be obligated to pay assessments to the retirement fund. The board may, if it deems proper, in a case of a break in a policeman's continuous service of not more than three years, construe as a period of continuous service of such policeman, by adding his service before the break to his service after the break.

365: 2 Payment for Benefits. In order to provide the additional funds necessary to meet the additional benefits for policemen provided by this act, the board of trustees of the New Hampshire retirement system is hereby directed to increase the contribution made by each member of the New Hampshire policemen's retirement system by an amount equal to one half of one percent of the assessable payroll for said member.

The state or other employer shall not be required to make any contributions for said additional benefits.

365:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 366.

AN ACT PROVIDING FOR LIQUOR LICENSES FOR FIRST CLASS BALLROOMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

366:1 Licensing First Class Ballrooms. Amend RSA 178 by inserting after section 7 the following new section:

178:7-a [New] First Class Ballrooms. The commission may issue a special license to any first class ballroom which has seating accommodations for at least five hundred patrons. Said special license shall permit the licensee to sell liquor and beverages to patrons under rules laid down by the commission, but only at such times as "live entertainment" is being provided by the licensee. Such "live entertainment" shall consist of not less than three performers. Attendance at such times as liquor and beverages are being sold and consumed shall be limited to adults only, except that minors accompanied by one or more parents may be permitted admission. The determination of what is a first class ballroom is to be within the discretion of the commission. The fee for such special license shall be five hundred dollars a year.

366:2 Effective Date. This act shall take effect upon passage.

[Approved June 28, 1971.]

[Effective date June 28, 1971.]

CHAPTER 367.

AN ACT RELATIVE TO THE TAXATION OF HOUSE TRAILERS
OR MOBILE HOMES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

367:1 Later Taxation of Mobile Homes. Amend RSA 72:7-a (supp) as inserted by 1955, 137:1 and amended by 1961, 41:1; 1963, 149:1; 1967, 57:1 and 1969, 210:1 by inserting after paragraph I the following new paragraph:

I-a. A house trailer or mobile home suitable for use for domestic, commercial or industrial purposes is taxable in the town, city or unincorporated place to which it is brought and located after April first and before the following January first, provided that said trailer or mobile home remains in said town, city or unincorporated place for more than ten

weeks, except for storage only, and further provided a tax has not been assessed on it elsewhere in the state for that year. The tax shall be for the pro rata part of the tax year remaining when said trailer or mobile home became located in the town, city or unincorporated place. The selectmen or assessors may so require and it shall be an obligation of the owner to file with the selectmen or assessors a true and correct inventory of the property subject to taxation under this paragraph within fifteen days of the location of the house trailer or mobile home in such form as the tax commission may prescribe.

367:2 Provisions for Lien. Amend RSA 72:7-a, II as inserted by 1955, 137:1 and amended by 1961, 41:1; 1963, 149:1; 1967, 57:1 and 1969, 210:1 by striking out said paragraph and inserting in place thereof the following:

II. There shall be a lien for uncollected taxes upon any house trailer, or mobile home suitable for use for domestic, commercial or industrial purposes that has been taxed pursuant to paragraphs I and I-a. Said lien shall take precedence over all other liens and encumbrances upon said house trailer, or mobile home, and shall continue in force until one year from the assessment of the tax. The tax collector shall file with the town or city clerk a copy of a document stating the existence of any such lien, the amount of the uncollected taxes secured by the lien, the name and address of the person liable for the tax as of the date of its assessment, and a description of the house trailer, or mobile home upon which the tax has been assessed. The town or city clerk shall keep a file of such documents, which shall be open to public inspection.

367:3 Effective Date. This act shall take effect April 1, 1971.

[Approved June 28, 1971.]

[Effective date April 1, 1971.]

CHAPTER 368.

AN ACT RELATIVE TO QUALIFICATIONS FOR THE SERVING OF LIQUOR OR BEVERAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

368:1 Liquor or Beverage. Amend RSA 175:9 by striking out in line two the word "serve" so that said section as amended shall read as follows:

175:9 Employment of Citizens. No person, except a citizen of the United States, shall be employed to sell, or deliver any liquor or beverage. The provisions of this section shall not apply to a railroad or car corporation holding a license or permit hereunder.

368:2 Serving by Bartender or Waiter. Amend RSA 175 by inserting after section 9 the following new section:

175:9-a [New] Serving Liquor or Beverages. The provisions of section 9 shall not be deemed to prohibit any person who is not a citizen

of the United States from performing the duties of a bartender or waiter or in that capacity serving liquor or beverages.

368:3 Effective Date. This act shall take effect upon passage.

[Approved June 28, 1971.]

[Effective date June 28, 1971.]

CHAPTER 369.

AN ACT RELATIVE TO THE MANNER AND NUMBER OF VOTER SIGNATURES REQUIRED TO ALLOW PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES TO HAVE NAMES PLACED ON PRIMARY BALLOT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

369:1 Nomination Petition. Amend RSA 58:3 by striking out in line eight the words "fifty qualified voters of each congressional district of" and inserting in place thereof the following (five hundred qualified voters from each congressional district of) so that said section as amended shall read as follows:

58:3 Nomination Petition. The names of any persons to be voted upon for candidates for president and vice president shall be printed on the ballots solely on petition of New Hampshire voters of the same political party as the prospective candidates. The time limits for filing such petitions with the secretary of state shall be not more than sixty days nor less than forty days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by at least five hundred qualified voters from each congressional district of the state. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. A separate petition shall be presented from each congressional district. The decision of the secretary of state as to the regularity of petitions shall be final.

369:2 Fees. Amend RSA 58 by inserting after section 3 the following new section:

58:3-a [New] Fees. No candidate for the office of president or vice president shall be allowed to have his name placed on the ballot unless he shall pay to the secretary of state, at the time of filing his nomination petitions, a fee of five hundred dollars.

369:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 370.

AN ACT RELATIVE TO THE DEPOSIT OF FUNDS WITH THE STATE
TREASURER BY THE TAX COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

370:1 Tax Commission. Amend RSA 6:11 (supp) as amended by 1965, 239:13; 1967, 379:7 and 1971, 44:1 by striking out said section and inserting in place thereof the following:

6:11 Payments to Treasurer. All state departments and institutions, except the New Hampshire College of Agriculture and the Mechanic Arts and the University of New Hampshire, and the building projects revolving fund of the state board of education, receiving money for the state from sources outside of the state treasury, shall pay the full amount of all said moneys intact into the state treasury weekly, or as much oftener as the governor and council shall direct, with a full and detailed statement thereof, including the date of and the source from which the same was received and the consideration therefor. Provided, however, that any check, draft, or money order received by the department of safety, the secretary of state or the fish and game department, or the tax commission under the provisions of RSA 76:16-a, the amount of which is incorrect or if an application is required to be submitted therewith, and said application is not so submitted or is improper or incorrect, or under the applicable statute the applicant has not complied with any requirement entitling him to make such application, said check, draft, or money order may be returned to the sender and not deposited with the state treasurer. Such accounts shall be stated by properly classified totals in all reports.

370:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 371.AN ACT RELATIVE TO CERTAIN ADMINISTRATIVE PROCEDURES WITHIN
THE DEPARTMENT OF EDUCATION, SCHOOL BOARDS AND SCHOOLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

371:1 School Administration. Amend RSA 189:24 as amended by 1959, 133:3 by striking out said section and inserting in place thereof the following:

189:24 Standard School. A standard school is one maintained for at least one hundred eighty days in each year, in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances, taught by teachers, directed and supervised by principal and superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils.

371:2 Teachers. Amend RSA 189:39 by striking out said section and inserting in place thereof the following:

189:39 How Chosen. Superintendents shall nominate and school boards elect all teachers employed in the schools in their union, providing such teachers hold a valid educational credential issued by the state board of education.

371:3 Authority of Department of Education. Amend RSA 186:6-a as inserted by 1963, 303:12 by striking out said section and inserting in place thereof the following:

186:6-a Limitation of Education. Notwithstanding any other provision of law, the authority of the state department of education shall be limited to the problems associated with kindergarten and grades one through twelve and to the government of the vocational technical colleges and institutes created and existing under RSA 188-A provided, however, that the state board of education shall be authorized to accept, distribute and supervise funds for pre-kindergarten programs.

371:4 Fees for Certification. Amend RSA 186:11, X (supp) as amended by 1969, 69:2 by striking out said paragraph and inserting in place thereof the following:

X. TEACHER CERTIFICATION. Establish certification regulations as circumstances require and examine the qualifications of candidates for teachers, supervisors and administrators in the public schools and issue certificates to those who meet the requirements of said regulations. The state board may establish and collect fees for the administration of proficiency exams, other competence evaluations and, for the issuance of educational credentials. These fees must bear a reasonable relationship to the actual costs related to such activities. Monies collected from these fees may be used by the state board of education only for the above stated purpose. No portion of such fund shall lapse, nor be used for any other purpose than set forth above, nor be transferred to any other appropriation.

371:5 Conferences of Board. Amend RSA 186:11, XXVI by striking out said paragraph and inserting in place thereof the following:

XXVI. CONFERENCES. Hold conferences from time to time with superintendents, other supervisory union personnel, principals, and teachers; or their representatives, for the purpose of inspiring mutual cooperation in the carrying on of their work and of unifying educational aims and practices.

371:6 Authorization of Representative. Amend RSA 193:13 (supp) as amended by 1969, 356:5 by inserting in line one after the word "superintendent" the words (or his representative as designated in writing) so that said section as amended shall read as follows:

193:13 Suspension and Dismissal of Pupils. The superintendent, or his representative as designated in writing, is authorized to suspend pupils from school for gross misconduct, providing that where there is a suspension lasting beyond five school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond twenty school days must be approved by the local board. Any pupil may be dismissed from school by the local school board for gross misconduct or for neglect or refusal to conform to the reason-

able rules of the school and said pupil shall not attend school until restored by the local board. Any dismissal must be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such dismissal by the local board to the state board of education.

371:7 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 372.

AN ACT INCREASING THE AMOUNT OF MONEY PAYABLE TO CERTAIN TOWN OFFICERS' ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

372:1 Dues Limit Increased. Amend RSA 31:8 (supp) as amended by 1963, 60:1 by striking out in line nine the word "six" and inserting in place thereof the word (ten) so that said section as amended shall read as follows:

31:8 Town Officers' Associations. For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the Association of New Hampshire Assessors, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein, provided that the amount paid for any one annual membership hereunder shall not exceed ten dollars. Members of these several organizations in addition to the annual membership fee shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town funds.

372:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 373.

AN ACT SETTING CERTAIN FEES FOR NOTARIES PUBLIC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

373:1 Fees for Oaths. Amend RSA 455:11 by inserting at the end thereof the following (For administering and certifying oaths, except the

oaths of office of town officers, one dollar) so that said section as amended shall read as follows:

455:11 Protests, Certificates, etc. Notaries public shall be entitled to the following fees:

For every protest under seal, fifty cents; every certificate under seal, twenty-five cents.

For waiting on a person to demand payment, or to witness any matter, and certifying the same under seal, fifty cents.

For every notice of nonpayment to any party to a bill or note, twenty-five cents.

For services relating to the taking of depositions, the same fees as justices are entitled to receive.

For administering and certifying oaths, except the oaths of office of town officers, one dollar.

373:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 374.

AN ACT PROVIDING THAT THE CITY MANAGER OF THE CITY OF CLAREMONT SHALL ADMINISTER THE BUDGETARY AFFAIRS OF THE POLICE DEPARTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

374:1 City Manager to Administer Police Department. Amend Laws of 1947, 392 by striking out in section 30 in line six the words "and police department" so that said section as amended shall read as follows:

30. Powers and Duties of Manager. The city manager shall be the chief executive and administrative officer of the city government, and carry out the policies laid down by the city council. He shall be responsible to the city council for the proper administration of all affairs of the city except that the school department, but including the preservation of the public health, the safety of property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. He shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. He shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

374:2 Including Police Salaries Under the Jurisdiction of the City Council. Amend Laws of 1947, 392:24 by striking out in line five the words "police officers and" so that said section as amended shall read as follows:

24. Salaries. The city council of the city of Claremont is hereby empowered to fix a scale of salaries to be paid to all officials and agents of said city of Claremont in accordance with the provisions of section 52 of this chapter except the salaries to be paid to school teachers.

374:3 Police Department Subject to Authority of City Manager in Budgetary Administration. Amend Laws of 1947 by inserting after section 30 the following new section:

30-a Manager and Police Department. The authority of the city manager over the police department shall be limited to budgetary administration. Nothing in this chapter shall be deemed to repeal or modify the provisions of chapter 275, sections 9 and 10 of the Laws of 1963.

374:4 Referendum. Sections 1, 2 and 3 of this act shall not take effect unless they are adopted by a majority vote of the legal voters of the city of Claremont at the annual city election in November, 1971. The city clerk then in office shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of 'An Act providing that the city manager of the city of Claremont shall administer the budgetary affairs of the police department' as passed by the 1971 session of the general court be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said election the city clerk shall certify to the secretary of state the result of said vote.

374:5 Effective Date. Section 4 of this act shall take effect upon its passage. Sections 1, 2 and 3 of this act shall take effect January 1, 1972 provided that this act is adopted by the voters of Claremont pursuant to section 4.

[Approved June 28, 1971.]

[Effective date. Section 4 effective June 28, 1971. Sections 1, 2 and 3 shall take effect January 1, 1972 if adopted.]

CHAPTER 375.

AN ACT ENABLING TOWNS TO ELECT A THREE-MAN BOARD OF ASSESSORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

375:1 Procedure. Amend RSA 41 by inserting after section 2-b the following new subdivision:

Assessors [New]

41:2-c Grant of Power. Any town with a population of six thousand or more may, at any annual meeting under an article in the warrant for

the meeting, elect a board of assessors of three members, by a majority vote of the legal voters present and voting at the meeting.

41:2-d Petition and Ballot. Upon written petition of not less than two per cent of the legal voters of any town, addressed and delivered to the selectmen not later than thirty-five days before any annual meeting, the following question, as requested in the application, shall be submitted to the voters at the meeting: "Are you in favor of a three-man board of assessors to be the legal assessing authority for the town?" In towns having an official ballot the question shall appear upon the ballot, in accordance with RSA 59:12-a. In towns where no official ballot is used, the vote on this question shall be by special ballot. After the question, squares with the words "yes" and "no" shall be printed on the ballot in which the voter may mark his choice, in accordance with RSA 59:12-a.

41:2-e Public Hearing. Whenever the selectmen of a town shall receive a petition under the provisions of RSA 41:2-d, they shall post notice of a public hearing to be held in said town, and printed in a newspaper of general circulation within said town, for a discussion of the proposed change in town assessing authority. Said hearing shall be held at least fifteen days prior to town meeting.

41:2-f Revocation. A town which has voted to adopt the provisions of this chapter may rescind its action in the same manner, and the provisions of RSA 41:2-d of this chapter so far as applicable apply. The question "Are you in favor of eliminating the board of assessors as elected officers?" shall be printed on the ballot, in accordance with RSA 59:12-a.

41:2-g Duties and Compensation. The assessors, however elected, shall constitute a Board of Assessors for the town, who shall perform all the duties relative to taking the inventory and the appraisal of property for taxation, and in regard to the assessment and abatement of taxes and issuing warrants for the collection of the same, as are now or may hereafter be required by law of selectmen and assessors of towns and shall have all the powers and be subject to the same liabilities, in regard to those duties, which selectmen and assessors in towns or assessors in cities now or hereafter may have, or be subject to, in regard to the same. A majority of the assessors shall be competent in all cases. The voters of the town, at the annual meeting, may determine the rate or amount of compensation to be allowed the assessors for their services.

41:2-h Warrants. The selectmen shall forthwith deliver to the chairman of the elected board of assessors, all warrants for the assessment of state and county taxes which may be addressed to them, and all certified copies of the votes of school districts for raising district taxes which may be delivered to them; and the same shall be sufficient authority for the assessors to assess and direct the town tax collector to collect such taxes.

41:2-i Effective Date of Authority. If a town votes to adopt the provisions of this subdivision, the change shall not take effect until the first annual town meeting following the meeting upon which the questions were acted upon. At the next annual meeting following the meeting where action was taken, the town shall elect one member for a one-year term, one member for a two-year term and one member for a three-year

term. At each succeeding annual meeting, members shall be elected to fill the vacancies regularly occurring.

375:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 376.

AN ACT TO EXEMPT SALES OF CIGARETTES TO RESIDENTS OF THE NEW HAMPSHIRE SOLDIERS' HOME FROM THE TOBACCO TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

376:1 Sales at Soldiers' Home. Amend RSA 78 by inserting after section 7-a the following new section:

78:7-b [New]. Notwithstanding the provisions of RSA 78, no state tax shall be imposed on tobacco products sold at the New Hampshire soldiers' home to residents of said home; provided, that no such resident shall be permitted to purchase more than two such tax exempt cartons of cigarettes or equivalent products in any one week.

376:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 377.

AN ACT INCREASING THE JURISDICTION UNDER SMALL CLAIMS PROCEDURES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

377:1 Amount of Small Claims. Amend RSA 503:1 (supp) as amended by 1957, 35:1 and 1969, 154:1 by striking out in line three the word "two" and inserting in place thereof the word (three) so that said section as amended shall read as follows:

503:1 Small Claim Defined. A small claim is any right of action not involving the title to real estate in which the debt or damages, exclusive of interest and costs, does not exceed three hundred dollars.

377:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 378.

AN ACT RELATIVE TO THE ARTICLES OF AGREEMENT OF
CHARITABLE CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

378:1 Required Provisions of Charitable Corporations. Amend RSA 292 by inserting after section 2 the following new section:

292:2-a [New] Charitable Corporations; Required Provisions. Every charitable corporation established under this chapter which is a private foundation as defined in section 509(a) of the United States Internal Revenue Code of 1954, and which is in existence on the effective date of this section, or which is thereafter established, is subject to the following provisions, whether they are set forth in the articles of agreement or not:

I. A corporation which is a "private foundation" as defined in section 509(a) of the Internal Revenue Code of 1954, shall not:

(a) engage in any act of "self dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(b) retain any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954; nor

(c) make any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954.

II. Each corporation which is a "private foundation" as defined in section 509 of the Internal Revenue Code of 1954 shall distribute, for the purposes specified in its articles of organization, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

III. The provisions of paragraphs I and II shall apply to any corporation except to the extent that a court of competent jurisdiction determines that to apply these provisions would be contrary to the terms of the articles of agreement or other instrument governing the corporation or the administration of charitable funds held by it, and that the articles or the other instrument cannot properly be changed to conform to these provisions.

IV. Nothing in this section impairs the rights and powers of the courts or of the attorney general with respect to any corporation.

V. All references to sections of the Internal Revenue Code of 1954 include amendments to those sections which are made after the effective date of this section, and include all corresponding provisions of any United States Internal Revenue laws which replace the Internal Revenue Code of 1954.

378:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 379.

AN ACT RELATIVE TO STATUTORY PROVISIONS IN CHARTERS OF
CHARITABLE CORPORATIONS CREATED BY LEGISLATIVE ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

379:1 Required Charter Provisions. Amend RSA 292 by inserting after section 23 (supp) the following new subdivision:

Corporations Created by Legislative Act [New]

292: 24 Charters of Voluntary Corporations Created by Legislative Act. Every voluntary corporation created by an act of the legislature which is a private foundation as defined in section 509(a) of the United States Internal Revenue Code of 1954, and which is in existence on the effective date of this section, or which is thereafter created by an act of the legislature, is subject to the following provisions, whether they are set forth in the legislative charter or not:

I. A corporation which is a "private foundation" as defined in section 509(a) of the Internal Revenue Code of 1954, shall not:

(a) engage in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(b) retain any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(c) make any investment which would jeopardize the carrying out of any of its exempt purposes, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; or,

(d) make any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954.

II. Each corporation which is a "private foundation" as defined in section 509 of the Internal Revenue Code of 1954 shall distribute, for the purposes specified in the act of incorporation, for each taxable year, amounts of at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

III. Nothing in this subdivision impairs the rights and powers of the courts or of the attorney general with respect to any corporation.

IV. All references to sections of the Internal Revenue Code of 1954 include amendments to those sections which are made after the effective date of this section, and include all corresponding provisions of any United States internal revenue laws which replace the Internal Revenue Code of 1954.

379: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 380.

AN ACT RELATIVE TO THE ADMINISTRATION OF CHARITABLE TRUSTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

380: 1 Charitable Trusts, Prohibited Acts. Amend RSA 564 by inserting after section 21 as amended by 1965, 176: 1, the following new section:

564: 22 [New] Charitable Trusts, Internal Revenue Laws.

I. In the administration of any trust which is a "private foundation" as defined in section 509 of the United States Internal Revenue Code of 1954, or which is a "charitable trust" as defined in section 4947(a)(1) of the Internal Revenue Code of 1954, or which is a "split interest trust" as defined in section 4947(a)(2) of that code, the following acts are prohibited:

(a) engaging in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954, which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(b) retaining any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(c) making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; and

(d) making any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954. However, this paragraph does not apply to those split-interest trusts or to any amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the Internal Revenue Code of 1954.

II. In the administration of any trust which is a "private foundation" as defined in section 509 of the Internal Revenue Code of 1954, or which is a "charitable trust" as defined in section 4947(a)(1) of the Internal Revenue Code of 1954, there shall be distributed, for the purposes specified in the trust instrument, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

III. The provisions of paragraphs I and II shall apply to any trust except to the extent that a court of competent jurisdiction determines that the application of those paragraphs to a trust would be contrary to the terms of the instrument governing the trust, and that the instrument cannot properly be changed to conform to those paragraphs.

IV. Nothing in this section impairs the rights and powers of the courts or the attorney general with respect to any trust.

V. All references to sections of the Internal Revenue Code of 1954 include amendments to those sections which are made after the effective date of this section, and include all corresponding provisions of any

United States internal revenue laws which replace the Internal Revenue Code of 1954.

380:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 381.

AN ACT RELATIVE TO THE PRACTICE OF PROFESSIONAL ENGINEERING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

381:1 Officers and Partners. Amend RSA 319:32, I (supp) as inserted by 1967, 330:9 by striking out in lines six and seven the words "or employees" so that said paragraph as amended shall read as follows:

I. The practice of or offer to practice professional engineering for others as defined in section 2 by individual engineers registered under this act through a corporation as officers, employees, or agents or through a partnership as partners, employees or agents, is permitted, subject to the provisions of this chapter; provided that one or more of the corporate officers of said corporation or one or more of the general partners of said partnership is designated as being responsible for the engineering activities and engineering decisions of said corporation or said partnership, respectively, and is a registered engineer under this act, and provided further, that all personnel of said corporation or said partnership who act in its behalf as professional engineers are registered under this act, and further provided that said corporation or said partnership has been issued a certificate of authorization by the board, as hereinafter provided. The requirements of this chapter shall not affect either a partnership or a corporation and their respective employees in performing services for said partnership or proprietorship or said corporation, or its subsidiary or affiliated corporations. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering as defined in this act when issued, or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared or approved them.

381:2 Employees. Amend RSA 319:32 (supp) as inserted by 1967, 330:9 by inserting after paragraph V the following new paragraph:

VI. An engineer who renders occasional, part-time or consulting engineering services to or for a corporation, partnership or association may not, for the purposes of this chapter, be designated as being responsible for the engineering activities and decisions of said corporation, partnership or association.

381:3 Effective Date. This act shall take effect on October 1, 1971.

[Approved June 28, 1971.]

[Effective date October 1, 1971.]

CHAPTER 382.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A COURT
ACCREDITATION COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

382:1 Commission Established. Amend RSA 490 by inserting after section 5 the following new sections:

490:5-a [New] New Hampshire Court Accreditation Commission. There is hereby established the New Hampshire court accreditation commission to be appointed by the supreme court, and to consist of five members, one of whom shall be designated by the supreme court as chairman. One such member shall be a layman, one shall be a member of the legislature at the time of his appointment, one shall be a lawyer of experience in the trial of cases at all court levels, one shall be a justice of the superior court and one shall be a justice of the supreme court.

490:5-b [New] —Term; Compensation; Retirement. The members of the commission shall each serve for a term of three years and shall receive no compensation for the performance of their duties hereunder, but they shall be reimbursed for mileage and other reasonable expenses actually incurred by them in visiting any court as provided for herein. Such reimbursement shall be made from the receipts of any court so visited on presentation of an invoice detailing the subject expenses. The mileage allowance shall be the rate then in effect as to other state officials and employees. On any commissioner attaining the age of seventy years, his commission shall thereupon automatically terminate, and another person shall be appointed in his place.

490:5-c [New] —Duties. The commission, under the supervision, and with the advice and cooperation of the supreme court:

I. Shall prescribe minimum standards for all courts with respect to size, adequacy of facilities, decor and design, judicial chambers, conference rooms, stenographic and clerical assistance, bookkeeping, record keeping, decorum, parking facilities, respect for the rights of the public, law enforcement personnel, and the accused, and such other features as the supreme court shall direct;

II. Shall regularly, and at least annually, cause every superior, probate, district and municipal court in New Hampshire to be visited and inspected; and

III. Shall report annually its findings, conclusions, and recommendations for improvements in court facilities and procedures to the chief justices of the supreme and superior courts, the New Hampshire probate judges association, the administrative committee of the district and municipal courts, the New Hampshire judicial council and the president of the New Hampshire bar association.

490:5-d [New] —Rating; Accreditation. The commission shall rate each court inspected as herein provided as "accredited-excellent", "accredited-satisfactory" or "not accredited", in accordance with the criteria set forth in RSA 490:5-c and the commission rating shall be a matter of public record and shall be transmitted in written form to each court.

490:5-e [New] —Notice of Nonaccreditation. Written notice of an intention to rate or designate a court as "not accredited" shall be mailed

by the commission to the presiding justice, and to the governmental authority having responsibility for the provision, maintenance and repair of the facilities, of each such court not less than ninety days prior to the date of the official rating or designation is ordered.

382:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 383.

JOINT RESOLUTION REQUESTING THE LEGISLATIVE STUDY COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS RELATIVE TO THE UNIFORM CONSUMER CREDIT CODE.

Resolved by the Senate and House of Representatives in General Court convened:

The legislative study committee or the appropriate standing committee is hereby requested to take under advisement, study and make recommendations relative to the uniform consumer credit code. The committee is requested to make a report of its findings, recommendations and any proposed legislation to the next regular session of the general court.

[Approved June 28, 1971.]

CHAPTER 384.

AN ACT REQUIRING AN INVENTORY OF PETROLEUM STORAGE FACILITIES IN EACH CITY AND TOWN OF THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

384:1 Inventory by Cities and Towns. The selectmen of each town and the governing body of each city shall submit prior to January 1, 1973 to the state fire marshal a list of the locations and capacities of commercial storage facilities for gasoline, oil or petroleum in their respective municipalities.

384:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 385.

AN ACT TO ESTABLISH TRUSTEE POWERS OF BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

385:1 Trustee Powers of Banking Institutions. Amend RSA 393 by inserting after section 60 the following new section:

393:61 [New] Trustee Powers. Any building and loan association, cooperative bank or savings and loan association shall have the power to act as trustee under a retirement plan established pursuant to the provisions of the act of congress entitled "Self-Employed Individuals Tax Retirement Act of 1962", provided that the provisions of such retirement plan permit, although they need not limit, the investment of the funds of such trust in deposits in such associations. In the event that any such retirement plan which, in the judgment of an association, constituted a qualified plan under the provisions of said Self-Employed Individuals Tax Retirement Act of 1962 and the regulations promulgated thereunder at the time the trust was established and accepted by the association, is subsequently determined not to be such a qualified plan, in whole or in part, the association may, nevertheless, continue to act as trustee of any funds theretofore delivered to it under such plan and to dispose of the same in accordance with the directions of the grantor and the beneficiaries thereof. No association, in respect of funds of which it is trustee under this section, shall be required to segregate such funds for purposes of investment, unless the trust instrument so provides; but an association shall keep appropriate records for each trust showing in proper detail all transactions engaged in under the authority of this section.

385:2 Effective Date. This act shall take effect upon its passage.

[Approved June 28, 1971.]

[Effective date June 28, 1971.]

CHAPTER 386.

AN ACT TO REDUCE AUTOMOBILE INSURANCE PREMIUMS FOR GOOD DRIVERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

386:1 Motor Vehicle Insurance Rates. Amend RSA 412 by inserting after section 19-a the following new section:

412:19-b [New] Restoration to Standard Rates. The New Hampshire Automobile Insurance Plan in effect in this state shall include the following provision: Any private passenger automobile applicant to the plan including applicants for named non-owner policies and special-type vehicle policies who, during the thirty-six months immediately preceding

the date of application for assignment or renewal in the plan has no chargeable traffic accidents or chargeable moving traffic violations, shall be insured in the plan at the standard rates as designated by the commissioner or returned to the voluntary market at standard rates.

386:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 387.

JOINT RESOLUTION PROVIDING FOR STUDIES FOR DIRECT ACCESS FROM THE F. E. EVERETT TURNPIKE TO THE CENTRAL BUSINESS DISTRICT OF MANCHESTER.

WHEREAS, improved and direct access from the F. E. Everett Turnpike to the central business district of the city of Manchester is vital to the city's economic welfare; and

WHEREAS, said city has long-range plans for the re-vitalization of the central business district including parking garages in the vicinity of Elm, Bridge and Hanover streets; and

WHEREAS, the initial phase of this long range plan is currently underway with the construction of the Hampshire Plaza; and

WHEREAS, the recent inspection of the existing Bridge Street bridge, by an independent professional structural engineer found the bridge in need of extensive repairs in the near future to protect the safety of the traveling public; and

WHEREAS, this bridge inspection report recommended that planning studies be undertaken at this time for a second bridge adjacent to the existing Bridge Street bridge, for the purpose of serving east bound traffic; and

WHEREAS, the 1966 metropolitan Manchester transportation study recommended a second bridge with improved and adequate approach roadways at each end as part of the area wide transportation plan, now therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the commissioner of public works and highways is hereby authorized to proceed with all necessary planning, engineering and fiscal studies for the future construction of such facilities as may be necessary to accommodate existing and future cross river traffic needs in the vicinity of the Bridge Street bridge in Manchester. The commissioner of public works and highways shall report the results of said studies to the 1973 session of the general court.

[Approved June 28, 1971.]

CHAPTER 388.

JOINT RESOLUTION ESTABLISHING A COMMISSION TO STUDY THE
RESTRUCTURING OF THE TAX COMMISSION.

Resolved by the Senate and House of Representatives in General Court convened:

THAT, a commission is hereby established to study the feasibility of restructuring the state tax commission. In the course of its study the commission shall determine the most efficient and economical management and administrative structure for implementing the collection and enforcement of existing state tax laws. Any department, or agency of the state, which the commission may require information or assistance from to carry out its duties, are directed to provide such information or assistance.

THE commission shall consist of a membership of eight. The members shall include: (1) three from the house, appointed by the speaker; and (2) two from the senate, appointed by the president; and (3) one from the N.H. Municipal Association, as selected by said association; and (4) one from the N.H. Assessors Association, as selected by said association; and (5) one from the N.H. Tax Collectors Association, as selected by said association.

THE members of the commission shall serve without compensation. They shall report their findings, recommendations and any proposed legislation to the 1973 session of the general court, not later than the second week of said session.

[Approved June 28, 1971.]

CHAPTER 389.AN ACT RELATIVE TO THE POWER OF CONSERVATION OFFICERS TO
BOARD BOATS IN CONNECTION WITH ADMINISTRATION OF MARINE
LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

389:1 Boarding With or Without Warrant. Amend RSA 211:41 by inserting after paragraph IV the following new paragraph:

V. To board any boat which is on public waters under the jurisdiction of this state with or without a warrant, if he has reasonable cause to believe that any provisions of the statutes, rules and regulations relating to the taking of marine species as defined in RSA 211:62 are being or have been violated thereon, for the purpose of enforcing such statutes, rules and regulations.

389:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 390.

AN ACT RELATIVE TO EXTENDING THE JURISDICTION OF LOCAL POLICE
BY CONSENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

390:1 City Police. Amend RSA 48 by inserting after section 11 the following new section:

48:11-a [New] Extended Authority. The authority of any duly authorized marshal, collector, constable, police officer and watchman of any city shall extend to any town or city in the state, provided that chief law enforcement officer of said town or city shall have requested, in writing, the mutual assistance of said officer.

390:2 Town Police. Amend RSA 105 by inserting after section 12 the following new section:

105:13 [New] Extended Authority. The authority of any duly authorized police officer, constable or watchman of any town shall extend to any city or town in the state, provided that the chief law enforcement officer of said city or town shall have requested, in writing, the mutual assistance of said officer.

390:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 391.AN ACT RELATING TO PROFESSIONAL STANDARDS REVIEW ORGANI-
ZATIONS OF PHYSICIANS AND SURGEONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

391:1 Review Committees. Amend RSA 329 by inserting after section 26 (supp) the following new subdivision:

Review Committees [New]

329:27 Immunity from Liability. No person who serves as a member of a professional standards review organization, as defined in RSA 329:29, shall be liable in damages to any person for any action taken or recommendation made by him within the scope of his function as a member of such organization unless such action was taken or such recommendation was made with malice or as a result of gross negligence, and not in the reasonable belief that such action or recommendation was warranted by the facts known to him after reasonable effort to ascertain the facts upon which such action was taken or such recommendation was made.

329:28 Definitions. As used in this subdivision, the term professional standards review organization shall include:

I. A "utilization committee", being a committee established to administer a utilization review plan of a hospital or extended care facility as provided and required in that act entitled "Health Insurance for the Aged", 79 Stat. 313; 42 U.S. code 1395x(k);

II. Such committees of the medical staff of a duly licensed hospital as have the responsibility of evaluation and improvement of the quality of care rendered in such hospital; and

III. Medical review committees of a duly established county or state medical society.

391:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 392.

AN ACT RELATIVE TO DISCARDED REFRIGERATORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

392:1 Person Responsible. Amend RSA 147:21-a as inserted by 1955, 158:1 by striking out said section and inserting in place thereof the following:

147:21-a Discarded Refrigerators. Whoever owns, controls or has in his custody, a container originally used for refrigeration purposes, shall before discarding it, remove the door, doors or lid. Any person failing to comply with this section, shall be punished by a fine of not more than fifty dollars, or imprisoned not more than thirty days, or both.

392:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 393.

AN ACT RELATIVE TO INCREASING THE FEES IN DISTRICT COURTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

393:1 Increased Fees in Civil Causes. Amend RSA 502-A:28 as inserted by 1963, 331:1, by striking out said section and inserting in place thereof the following:

502-A: 28 Civil Causes. Clerks of district courts shall be allowed in civil cases for the use of the city or town in which the court is regularly located:

For an original writ, twenty cents.

For the entry of every writ or other action, filing of appearances, and judgment and recording, three dollars.

For each execution, one dollar.

For a writ of possession, two dollars.

Order of notice for service in hand or by publication, five dollars.

Each additional copy, two dollars.

Order of notice on new or additional attachment, five dollars.

Each additional copy, two dollars.

All other orders of notice (copy for service and copy for return), five dollars.

Each additional copy, two dollars.

393: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 394.

AN ACT CONTINUING IN EXISTENCE THE STATE COMMISSION ON THE STATUS OF WOMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

394: 1 Repeal. Laws of 1969, 389 relative to the commission on the status of women, is hereby repealed.

394: 2 New Chapter. Amend RSA by inserting after chapter 19-A the following new chapter:

CHAPTER 19-B [NEW]

COMMISSION ON THE STATUS OF WOMEN

19-B: 1 Commission Established. There is hereby created a state commission on the status of women, hereinafter called the commission, consisting of fifteen members. The members of the commission shall be appointed by the governor for the following terms: The chairman shall serve for a term of three years, the vice-chairman for a term of three years, the recording secretary and the treasurer for terms of three years each. The appointment of the remaining members of the commission shall be appointed so that three members shall be appointed for a term of one year, four members for a term of two years, and four members for a term of three years.

19-B: 2 Compensation. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses.

19-B: 3 Officers. The governor shall designate the chairman, vice-chairman, secretary and treasurer of the commission.

19-B: 4 Duties. The duties of the commission shall be as follows:

I. Stimulate and encourage throughout the state study and revision of the statutes relative to women in this state.

II. Recommend methods of overcoming discrimination against women in public and private employment and civil and political rights.

III. Promote more effective methods for enabling women to develop their skills, and continue their education.

IV. Secure, so far as possible, appropriate recognition of women's accomplishments and contributions to the state.

19-B: 5 Cooperation. The commission may cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of women.

19-B: 6 Report. The commission shall submit an annual report of its activities to the labor commissioner and to the governor and council. Said report may include any recommendations it may approve for legislation.

19-B: 7 Authority to Accept Gifts. The commission may accept any gifts, donations or grants from any source whatsoever provided said gifts, donations or grants so received shall be used exclusively in the furtherance of the duties of the commission.

19-B: 8 Records. The commission may file and keep its records in space and facilities made available for such purposes in the offices of the department of labor by the commissioner thereof.

394: 3 Existing Members and Application. The existing members of the commission holding office on the effective date of this act shall remain in office until the expiration of their term and until their successors are chosen. All records and property of the commission as established pursuant to the Laws of 1969, chapter 389 are hereby transferred to the commission as provided for in RSA 19-B as inserted by section 2 of this act.

394: 4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 395.

AN ACT RELATIVE TO THE DUTIES OF THE MOUNT WASHINGTON COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

395: 1 Duties Enlarged. Amend RSA 227-B: 6 (supp) as inserted by 1969, 427: 1 by inserting after paragraph V the following new paragraphs:

VI. Consult and advise with the commissioner of the department of resources and economic development:

(a) In the construction of the buildings and improvements as may be authorized by the general court;

(b) In the operation of the summit by personnel of the division of parks or by private interests as may be determined by the commissioner in accordance with the powers conferred by the general court;

(c) In the negotiations of leases, agreements and franchise arrangements in the operation of summit facilities; and

(d) In the acquisition of privately owned land and buildings as may be approved by the general court, including the general oversight of the development of the ten year master plan as may be implemented by the general court.

VII. Assist in the promotion of the development and use of the summit by the public as a recreational, historic and scientific attraction.

VIII. Advise and assist in the protection of the unique flora and other natural resources of the summit.

395:2 Commission Report Accepted. The Mount Washington commission report and ten year plan for the development of the summit as presented January 1, 1971 is hereby accepted and approved.

395:3 Mount Washington Commission. Amend RSA 227-B (supp) as inserted by 1969, 427:1 by inserting after section 7 the following new section:

227-B:8 [New] Gifts, Grants or Donations. The commission is authorized to institute a promotional program to solicit and receive any gifts, grants or donations made for the development of the summit and to disburse and administer the same through the department of resources and economic development for purposes consistent with the approved development plan with the permission of the governor and council.

395:4 Effective Date. This act shall take effect upon its passage.

[Approved June 28, 1971.]

[Effective date June 28, 1971.]

CHAPTER 396.

AN ACT RELATIVE TO PETITIONING ARTICLES IN THE WARRANT CONCERNING PLANNING BOARDS AND ZONING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

396:1 Limitation on Planning Board and Zoning Articles. Amend RSA 39 by inserting after section 3-b the following new section:

39:3-c [New] Limitation. Any petitioned article, which if adopted, would abolish a planning board, or zoning commission shall not be included in the warrant, unless such petition meets the requirements established by RSA 31:63-c.

396:2 Abolishing Planning Board or Zoning Commission. Amend RSA 31 by inserting after section 63-b the following new section:

31:63-c [New] Abolishing Planning Board or Zoning Commission. Upon a petition to abolish the planning board, the zoning commission or zoning, signed by one hundred or more voters or one tenth of the regis-

tered voters in town, whichever is the lesser, the zoning commission or the planning board shall submit the proposal to a town or village district in the same manner prescribed in RSA 31: 63-b, except that the question put to the voters shall be in substantially the following form: "Are you in favor of abolishing the planning board (zoning commission) as proposed by petition of the voters of this town (village district)?"

396: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 397.

AN ACT AMENDING THE TAX ON MEALS AND ROOMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

397: 1 Meals Sold by Nonprofit Organizations. Amend RSA 78-A: 3, X(c) (7) as inserted by 1967, 213: 1 and 409: 1-4, and amended by 1969, 287: 3-8 by inserting in line three after the word "commission" the words (other than a license issued pursuant to RSA 178: 8-b) so that said paragraph as amended shall read as follows:

(7) meals prepared and sold by nonprofit organizations. However, if the nonprofit organization is required to have a license issued by the liquor commission other than a license issued pursuant to RSA 178: 8-b, the meals are taxable meals;

397: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 398.

AN ACT RELATIVE TO COLLECTING TAXES, PENALTIES AND INTEREST RESULTING FROM A SUPPLEMENTAL PROPERTY ASSESSMENT, AND PROVIDING FOR A LIEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

398: 1 Treatment of Property Supplementally Assessed. Amend RSA 71: 15 (supp) as amended by 1959, 123: 4 by inserting at the end thereof the following: (The tax collector shall have the same power to enforce payment of the tax, interest and penalties as though such assessment or reassessment were imposed on April first. The lien provided in RSA 80: 19 shall take effect on that portion of the property supplementally assessed for a period of eighteen months following the actual time of the supplemental assessment.) so that said section as amended shall read as follows:

71:15 —Effect. Any such assessment or reassessment if satisfactory to the tax commission shall when completed be returned to the clerk of the city or town by the board making it, and shall be treated as an original assessment and the selectmen or assessors shall assess the taxes on the property accordingly. If it is advisable or necessary for the tax commission to make such assessment or reassessment it shall when completed be returned to the clerk of such city or town and shall be treated as an original assessment and the selectmen or assessors shall assess the taxes on the property accordingly. The tax collector shall have the same power to enforce payment of the tax, interest and penalties as though such assessment or reassessment were imposed on April first. The lien provided in RSA 80:19 shall take effect on that portion of the property supplementally assessed for a period of eighteen months following the actual time of the supplemental assessment.

398:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 399.

AN ACT RELATIVE TO CERTAIN VETERANS PREFERENCES IN PUBLIC EMPLOYMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

399:1 Veteran Employment Encouraged. Amend RSA 283:6 by striking out said section and inserting in place thereof the following:

283:6 State and Political Subdivisions. The hiring authority of the state or any political subdivision thereof shall take any necessary action to secure the employment of said veterans in said service of the state or political subdivisions thereof respectively.

399:2 Entitlement. Amend RSA 283:7 by striking out said section and inserting in place thereof the following:

283:7 Proof of Entitlement. Veterans, in order to be entitled to preference under this subdivision, shall furnish proof of such entitlement to the hiring authority of the state or political subdivision when applying for employment.

399:3 Repeal. RSA 283:2 and 283:3 relative to preference for unskilled laborers who are residents of the state are hereby repealed.

399:4 Armed Forces Defined. Amend RSA 283:8, I (supp) as amended by 1969, 370:1 by striking out said paragraph and inserting in place thereof the following:

I. The term "armed forces" shall include those forces listed in RSA 72:28, I.

399:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 400.

AN ACT PROHIBITING THE SALE OR INSTALLATION OF CERTAIN
SPACE HEATERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

400:1 Sale or Installation Prohibited. Amend RSA 158 by inserting after section 27 the following new subdivision:

Space Heaters and Stoves [New]

158:28 Sale or Installation Prohibited. No person shall sell, offer for sale or install a secondhand space heater either pot or wick type, or a secondhand portable stove, pot, or wick type, which uses kerosene, range oil or number one fuel oil for fuel. No person shall install or use in any building which is used in whole or in part for human habitation an unvented space heater which uses gas or oil as fuel. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

400:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 401.

AN ACT ESTABLISHING AN INTERIM COMMITTEE TO STUDY
NO-FAULT AUTOMOBILE INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

401:1 Committee Established. There is hereby established a committee to study and examine the feasibility for the state to adopt some form of no-fault automobile insurance. The committee shall be composed of three members of the house, appointed by the speaker and two members of the senate to be appointed by the president of the senate. The members shall choose a chairman. The committee shall make a careful study of the laws presently in effect both in and out of this state, relating to automobile insurance; to make recommendations for changes in the present law; and, if necessary, to propose new legislation designed to regulate automobile insurance. The committee shall make a report of its findings and recommendations with any proposed legislation to the next convening session of the general court.

401:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 28, 1971.]

[Effective date August 27, 1971.]

CHAPTER 402.

JOINT RESOLUTION TO MAKE AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1971 FOR COUNSEL FEES FOR INDIGENT DEFENDANTS.

Resolved by the Senate and House of Representatives in General Court convened:

THE sum of seventy-five thousand dollars is hereby appropriated for the fiscal year ending June 30, 1971, to be used for payment of counsel for indigent defendants in accordance with the provisions of RSA 604-A. The sum hereby appropriated shall be in addition to any other moneys appropriated for the same purpose and said appropriation shall not lapse. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved June 29, 1971.]

CHAPTER 403.

AN ACT RELATING TO ACTION BY THE BUDGET COMMITTEE PRIOR TO A SPECIAL MEETING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

403:1 Procedure. Amend RSA 32:6 by striking out said section and inserting in place thereof the following:

32:6 Special Meetings. In case a special meeting shall be called in any town, school district or village district operating under the provisions of RSA 32, the budget committee, so far as applicable, shall follow the same procedure as prescribed in RSA 32:5.

403:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 404.

AN ACT RELATIVE TO THE SALE OF LIQUID FUELS, LUBRICATING OILS AND GREASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

404:1 New Chapter. Amend RSA by inserting after chapter 339-A the following new chapter:

CHAPTER 339-B [NEW]

SALE OF LIQUID FUELS

339-B:1 Deception Prohibited. No person shall store, sell, offer or expose for sale any liquid fuels, lubricating oils, greases or other similar

products in any manner whatsoever, which may deceive, tend to deceive or has the effect of deceiving the purchaser of said products, as to the nature, quality or quantity of the products so sold, exposed or offered for sale.

339-B: 2 Used Lubricants. A person may store, sell, or offer for sale any lubricating oil composed in whole or in part of previously used lubricating oil if:

I. The containers of the reclaimed, recleaned or reconditioned previously used lubricating oil, lubricants or mixtures of lubricants be plainly labeled, showing that the content thereof, is a previously used product.

II. No representation is made that lubricating oil is new or unused.

III. It is disclosed clearly and conspicuously that the lubricating oil has been previously used, in all advertising, sales promotional material and on each front or face panel of the container. The front or face panel means the part of the container on which the brand name is usually featured and which is customarily exposed to the view of prospective purchasers when displayed at point of retail sales. The term "re-refined," or any other word or term of similar import, to describe previously used lubricating oil shall not be used unless the physical and chemical contaminants acquired through previous use have been removed by a refining process.

339-B: 3 Proper Trade Name Required. No person shall keep, expose or offer for sale, or sell any liquid fuels, lubricating oils, greases or other similar products from any container, tank, pump, or other distributing device, other than those manufactured or distributed by the manufacturer or distributor indicated by the name, trademark, symbol, sign or other distinguishing mark or device appearing upon said container, tank, pump, or other distributing device in which such products are sold, exposed or offered for sale or distributed.

339-B: 4 Imitating Trade Names. It is unlawful for any person to disguise or camouflage his own equipment, by imitating the design, symbol, trade name, or the equipment under which recognized brands of liquid fuels, lubricating oils, and similar products, are generally marketed.

339-B: 5 Using Trademark of Another. No person shall expose or offer for sale or sell under any trademark, trade name, or name or other distinguishing mark, any liquid fuels, lubricating oils, greases, or other similar products, other than those manufactured or distributed by the manufacturer or distributor marketing such products under such trade name, trademark, or name or other distinguishing mark.

339-B: 6 Mixing Fuels of Different Manufacturers. No person shall mix, blend or compound the liquid fuels, lubricating oils, greases or similar products of a manufacturer or distributor with the products of any other manufacturer or distributor, or adulterate the same, and expose, offer for sale, or sell such mixed, blended or compounded products under the trade name, trademark or name or other distinguishing mark of either of said manufacturer or distributors, or as the unadulterated products of such manufacturer or distributor; provided, however, that nothing herein shall prevent the lawful owner thereof from applying its own trademark, trade name, or symbol to any product or material.

339-B: 7 Mixing Fuels of Same Manufacturer. It is unlawful for any person to mix, blend, compound or adulterate the liquid fuel, lubricating oil, grease, or similar product of a manufacturer or distributor with a liquid fuel, lubricating oil, grease or similar product of the same manufacturer or distributor of a character or nature different from the character or nature of the liquid fuel, lubricating oil, grease or similar product so mixed, blended, compounded or adulterated, and expose for sale, offer for sale, or sell the same as the unadulterated product of such manufacturer or distributor, or as the unadulterated product of any other manufacturer or distributor. Nothing in this chapter shall be construed to prevent the lawful owner of such products from applying his own trademark, trade name or symbol to any product or material.

339-B: 8 Gasoline Sales. It shall be unlawful for any person operating a retail gasoline station to:

I. Display, or allow to be displayed on his premises, any sign, placard, or other advertisement relating to the retail price of gasoline unless numerals thereon indicating fractions or portions of a whole number are at least half the size of the largest whole number on such sign, and no such price of gasoline shall be advertised without the tax included.

II. Post a different price at one pump for the same grade of gasoline as is dispensed from another pump when both pumps are supplied from a common storage at the same service station and when the gasoline dispensed from both is represented to be and is sold as the same quality of gasoline; provided, however, that this paragraph shall not prohibit such price differences between a self-service and an attendant-operated pump supplied from a common storage as described hereinabove.

339-B: 9 Conspiracy Prohibited. No person shall aid or assist any other person in violating any of the provisions of this chapter, by depositing or delivering into any tank, pump, receptacle, or other container, any liquid fuels, lubricating oils, greases or other like products, other than those intended to be stored therein, as indicated by the name of the manufacturer or distributor, or the trademark, trade name, name or other distinguishing mark of the product displayed on the container itself or on the pump or other distributing device used in connection therewith, or shall by any other means aid or assist another in the violation of any of the provisions of this chapter.

339-B: 10 Regulations. The department of agriculture shall enforce the provisions of this chapter. The commissioner of agriculture is authorized to adopt, promulgate, and enforce such rules and regulations not inconsistent with the provisions of this chapter as in its judgment may be necessary to the proper enforcement of this chapter. The commissioner shall issue stop sale orders when:

I. Any product stored, sold, offered or exposed for sale is not permanently and conspicuously labeled as provided in this chapter. Any such illegal product shall be placed under written stop sale order, directed to the owner or custodian, and held by the commissioner of agriculture or his representative, at a place to be designated in the stop sale order, until properly labeled by the owner or custodian and released in writing by the commissioner of agriculture or his representative.

339-B: 11 Effect of Stop Sale Order. The attachment of stop sale order to any such product is notice and warning to all persons whomsoever, in-

cluding but not limited to, the owner or custodian, to scrupulously refrain from moving, altering or interfering in any manner with any such product or altering, defacing or in anywise interfering with the stop sale order or permitting the same to be done by another, except with the consent of the commissioner of agriculture or his representative.

339-B: 12 Penalty For Violations. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction for a first offense, shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, and for a second or subsequent offense, by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year or both.

404: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 405.

AN ACT PROVIDING FOR ALDERMANIC CONFIRMATION OF CERTAIN APPOINTMENTS MADE BY THE MAYOR OF NASHUA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

405: 1 Approval Required. Amend Laws of 1913, 427: part 1 by inserting after section 48-a the following new section:

Sect. 48-b. The following appointments made by the mayor shall require confirmation by the board of aldermen:

I. Members of the Nashua housing authority notwithstanding the provisions of RSA 203: 5;

II. Members of the city planning board notwithstanding the provisions of RSA 36: 4.

405: 2 Referendum. At the municipal election to be held in the city of Nashua in November, 1971, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1971 amending the Nashua city charter to require aldermanic confirmation of appointments made by the mayor to the planning board and the housing authority be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Nashua, shall within ten days after said election, certify to the secretary of state the result of the vote on this question.

405:3 Effective Date. Section 2 of this act shall take effect upon its passage and if the act is adopted as provided in said section, the remainder of the act shall take effect January 1, 1972.

[Approved June 29, 1971.]

[Effective date. Section 2 of act effective June 29, 1971. Remainder of act if adopted effective January 1, 1972.]

CHAPTER 406.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCHESTER RELATIVE TO REGISTRATION FOR VOTING AND ABSENTEE VOTING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

406:1 City of Rochester; Registration for Voting. Amend Laws of 1891, 241:9 as amended by Laws of 1913, 366:1 by striking out said section and inserting in place thereof the following:

Sect. 9. Said board shall be in session at such places as they shall designate for the purpose of revising and correcting the list of voters three days for state and two days for all other elections including primaries, within ten days next preceding the day of the election, the first day of such sessions to be at least six days before the day of election, the last session to be the day next preceding the day of election, from one to five and from seven to nine o'clock in the afternoon each of said days, and no name shall be added to said lists after the last meeting except such as may have been left off through mistake and not then unless the supervisor in attendance in any ward where such omission occurs clearly knew before the list was made out that the name thus omitted legally belonged upon it. In the preparation of said lists said board shall have all the power granted and perform all the duties prescribed in RSA 55:9, RSA 55:17 and RSA 55:23. Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the city clerk and shall sign a written affidavit as to his Rochester residency under oath before either said city clerk or a justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The board of supervisors of the check list shall receive said affidavit and certificate from said city clerk on forms to be prepared by said board of supervisors of the check list. The city clerk shall receive such applications at any time, but no applications received within ten days of the next election shall be considered for said election.

406:2 Absentee Voting. Amend Laws of 1891, 241 by inserting after section 11 the following new section:

Sect. 11-a. Any properly qualified and registered voter in the city who will not be able to be present in the city at the time of any election within the city or any city referendum shall be entitled to apply for a municipal absentee ballot. This application shall contain the name of the applicant, his ward number and address, and a notice of where the ballot is to be sent. This application shall be signed by the applicant and presented to the city clerk's office at least forty-five days in advance of the said election or

referendum. The application must then be approved by a majority of the registrars of voters of the city of Rochester. If the application is approved, the absentee ballot shall be mailed to the applicant at least thirty days in advance of the said election or referendum. The absentee ballot must be properly marked and returned to the city clerk. If the ballot is not received by the city clerk's office prior to the date of the election or referendum, the ballot shall not be considered and shall be declared void.

406: 3 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular primary election to be held in the city of Rochester in September, 1971, as hereinafter provided. The city clerk then in office shall cause to be placed on the ballot then used the following question: "Shall the provisions of an act entitled 'An Act to amend the charter of the city of Rochester relative to registration for voting and absentee voting,' passed at the 1971 session of the general court be adopted?" Said question shall be printed in the form prescribed by RSA 59: 12-a. If a majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted. The city clerk shall, within ten days after said election, certify the result of the vote on the above question to the secretary of state.

406: 4 Effective Date. Section 3 of this act shall take effect upon its passage, and the remainder of this act shall take effect as prescribed in section 3.

[Approved June 29, 1971.]

[Effective date. Section 3 effective June 29, 1971, and remainder of act effective as prescribed in section 3.]

CHAPTER 407.

AN ACT RELATIVE TO INDEMNIFICATION AGREEMENTS BETWEEN ARCHITECTS, ENGINEERS OR SURVEYORS AND OWNERS, CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

407: 1 New Chapter. Amend RSA by inserting after chapter 338 the following new chapter:

CHAPTER 338-A [NEW]

PROHIBITED CONTRACTS

338-A: 1 Indemnification Agreements Prohibited. Any agreement or provision whereby an architect, engineer, surveyor or his agents or employees is sought to be held harmless or indemnified for damages and claims arising out of circumstances giving rise to legal liability therefor on the part of any said persons shall be against public policy, void and wholly unenforceable.

407: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 408.

AN ACT RELATIVE TO THE FEE FOR A LIQUOR LICENSE ISSUED AFTER APRIL FIRST AND PERMITTING THE SALE OF LIQUOR AT STATE OWNED SKI AREAS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

408:1 Licenses Issued in April. Amend RSA 175:4 by inserting at the end thereof the words (The fee for any permit or license issued after April first of the licensing year shall be one-half the annual fee for such permit or license) so that said section as amended shall read as follows:

175:4 Expiration Date of Licenses and Permits. All licenses and permits, other than special permits, issued under the provisions hereof shall expire May thirty-first of each year unless sooner revoked for cause by the commission. The fee for any permit or license issued after April first of the licensing year shall be one-half the annual fee for such permit or license.

408:2 Permitting the Sale of Liquor at State Owned Ski Areas. Amend RSA 178:5-b (supp), as amended, by striking out in line two the words "non-state owned" so that said section as amended shall read as follows:

178:5-b Ski Areas. The commission may issue a special license to any operator of a ski area, or his designee, which area is equipped by at least any one of the passenger tramway devices as defined in RSA 225-A:2, I(a) through (e) inclusive. Such special license shall permit the licensee to serve liquor and beverages to patrons in such rooms located at the said ski area as may be designated by the commission and only during the hours set by the commission for such service in restaurant cocktail lounges. The commission may grant, regulate, suspend or revoke said special license without affecting any other license or permit which may have been granted by said commission. The fee for any such special license shall be three hundred dollars a year.

408:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 409.

AN ACT PROVIDING FOR A STUDY ON THE FEASIBILITY OF CONSTRUCTION OF A BRIDGE OVER THE MERRIMACK RIVER IN THE TOWN OF MERRIMACK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

409:1 Study Authorized. The commissioner of public works and highways is hereby authorized to proceed with all necessary studies to determine the location of, and feasibility for, construction of a bridge across the Merrimack River in the town of Merrimack. In conducting the study,

the commissioner shall take into consideration the development of industrial sites and possible educational institutional sites between the present village of Merrimack and the northerly border of the town of Merrimack in order to eliminate any duplication of bridge construction in the future. The commissioner of public works and highways shall report the results of said study to the 1973 session of the general court. The costs of the feasibility study shall be a charge against the department's regular budgeted accounts for such purposes.

409:2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 29, 1971.]

[Effective date July 1, 1971.]

CHAPTER 410.

AN ACT PROVIDING FOR AND INCREASING THE ADDITIONAL RETIREMENT ALLOWANCES FOR STATE POLICE WHO RETIRED PRIOR TO JULY 1, 1961 AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

410:1 New Hampshire Police Retirement System. Amend RSA 103 by inserting after section 14-a (supp) the following new section:

103:14-b [New] Allowances for Beneficiaries of the Police Retirement System. Any state police beneficiary who has retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1972 and who retired under the police retirement system shall beginning with the month of January, 1972 and monthly thereafter, but not beyond the month of December, 1972, have his allowance increased by thirteen percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, the beneficiary shall be paid beginning with the month of January, 1972 and monthly thereafter but not beyond the month of December, 1972, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1972, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1971 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1972 to December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

410:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of one thousand three hundred five dollars and thirty-nine cents is hereby appropriated for the fiscal year ending June 30, 1972, to be expended between January 1, 1972 and June 30, 1972 and the sum of one thousand three hundred five dollars and thirty-nine cents is hereby appropriated for the fiscal year ending June 30, 1973, to be expended between July 1, 1972 and December 31, 1972. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

410:3 Effective Date. This act shall take effect January 1, 1972.

[Approved June 29, 1971.]

[Effective date January 1, 1972.]

CHAPTER 411.

AN ACT PERMITTING VARIOUS TYPES OF FINIANCIAL INSTITUTIONS IN
NEW HAMPSHIRE TO ORGANIZE AND/OR PARTICIPATE IN SERVICE
CORPORATIONS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

411:1 Service Corporations. Amend RSA 384:16-b by striking out said section and inserting in place thereof the following:

384:16-b Service Corporations. Any state or federally chartered bank or association doing business in New Hampshire may organize and purchase the capital stock, obligations or other securities as well as to participate, invest in and utilize the services of a corporation formed only to provide computer services compatible with the purposes, powers and duties of any of the named financial institutions. Such service corporations may also provide mechanical, clerical, and record keeping services for other corporations, persons or governmental units subject to the approval of the bank commissioner. Notwithstanding any contrary provision of law relating to investments by such a financial institution, any such financial institution may at any time have outstanding investments in such a service corporation not exceeding ten percent of its savings deposits or capital assets, whichever may be greater.

411:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 412.

AN ACT RELATIVE TO THE EMPLOYMENT OF YOUTHS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

412:1 Prohibiting Work in Dangerous Areas. Amend RSA 276-A: 4, III (supp) as inserted by 1969, 243: 1 by inserting in line two after the word "work" the words (in a dangerous area) so that said paragraph as amended shall read as follows:

III. No youth under sixteen years of age shall be employed or permitted to work in a dangerous area in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

412:2 No Certificate Required for Farm Work. Amend RSA 276-A: 4, II as inserted by 1969, 243: 1 by inserting at the end thereof the following: (, or as farm labor) so that said paragraph as amended shall read as follows:

II. No youth shall be employed or permitted to work without a certificate except for his parents, grandparents, or guardian or at work defined in this chapter as casual, or as farm labor.

412:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 413.**AN ACT AMENDING THE NEW HAMPSHIRE UNIT OWNERSHIP OF REAL PROPERTY ACT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

413:1 Condominium Floor Plans. Amend RSA 479-A: 12 as inserted by 1965, 155: 1 by striking out said section and inserting in place thereof the following:

479-A:12 Copy of Floor Plans to be Filed. Simultaneously with the recording of the declaration there shall be filed in the office of the recording officer a set of the floor plans of the building showing the layout, location, unit numbers and dimensions of the units, stating the name of the building or that it has no name, and bearing the verified statement of a registered architect or licensed professional engineer certifying that it is an accurate copy of portions of the plans of the building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of buildings, if any. Said plans shall be drawn in full compliance with the requirements as to material, markings, size and other specifications as set forth in New Hampshire RSA 478: 13-a, as amended, in those counties which have adopted the provisions of New Hampshire RSA 478: 13-a, as amended. If such plans do not include a verified statement by such architect or engineer

that such plans fully and accurately depict the layout, location, unit designations and dimensions of all of the units as built, there shall be recorded prior to each first conveyance of any particular unit with respect to which such a statement was not made an amendment to the declaration to which shall be attached a verified statement of a registered architect or licensed professional engineer certifying that the plans theretofore filed, or being filed simultaneously with such amendment, fully and accurately depict the layout, location, unit designations and dimensions of such particular unit as built. Such plans shall be kept by the recording officer, indexed in the same manner as a conveyance entitled to record.

413:2 Recording of Declarations. Amend RSA 479-A:14 as inserted by 1965, 155:1 by striking out said section and inserting in place thereof the following:

479-A:14 Recording. The declaration, and amendment or amendments thereof, any instrument by which the provisions of this chapter may be waived, and every instrument affecting the property or any unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.

413:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 414.

AN ACT TO INCREASE HIGHWAY RELOCATION ASSISTANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

414:1 Relocation Payments Increased. Amend RSA 233-A:3, II, III (supp) as inserted by 1969, 339:1 by striking out said paragraphs and inserting in place thereof the following:

II. Any displaced person who moves from a dwelling who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by paragraph I of this section may receive:

(a) A moving expense allowance, determined according to a schedule established by the commissioner, not to exceed three hundred dollars; and

(b) A dislocation allowance of two hundred dollars.

(c) Such other reasonable costs as authorized by the Federal "Uniform Assistance Act of 1970".

III. Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this paragraph in lieu of the payment authorized by paragraph I of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation except that such payment shall be not less than twenty-five hundred dollars nor more than ten thousand dollars together with such other reasonable costs as authorized by the Federal "Uniform Assistance Act of 1970". In the case of a business

no payment shall be made under this paragraph unless the commissioner is satisfied that the business;

(a) Cannot be relocated without a substantial loss of its existing patronage; and

(b) Is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

(c) Actual reasonable expenses in searching for a replacement business or farm.

414:2 Replacement Housing. Amend RSA 233-A:4, I, II (supp) as inserted by 1969, 339:1 by striking out said paragraphs and inserting in place thereof the following:

I. In addition to amounts otherwise authorized by this chapter, the commissioner shall make a payment to the owner of real property acquired for a project which is actually owned and occupied by the owner for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of such property. Such payment not to exceed fifteen thousand dollars, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the secretary of transportation, to be a decent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project, and shall not exceed that amount paid for the replacement housing less the acquisition payment.

II. In addition to amounts otherwise authorized by this chapter, the commissioner shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under paragraph I which dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation or negotiations for acquisition of such property. Such payment, not to exceed four thousand dollars, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed four years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family, in areas not generally less desirable in regard to public utilities and public and commercial facilities. If such payment exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars, in making the down payment on the dwelling.

414:3 Application. This act shall be applicable to those owners, tenants, businesses, and farms for which negotiations were started on or after January 2, 1971.

414:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 415.

AN ACT RELATIVE TO THE TRAFFIC SAFETY FUND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

415:1 Exclusive and Mandatory Funding. Amend RSA 262:1-a (supp) as inserted by 1957, 292:1 and amended by 1963, 142:1 and 1969, 244:1 by striking out said section and inserting in place thereof the following:

262:1-a Traffic Safety Fund. The proceeds from original license fees as provided in RSA 262:11 and services fees for initial number plates collected in accordance with RSA 260:10-a, after costs of plates and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. No portion of such funds shall lapse nor be used for any other purposes, nor be transferred to any other appropriation. After all costs of administration of the program each year of the biennium have been reserved, the remaining balance shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the director of motor vehicles jointly with the commissioner of education shall promulgate and publish rules and regulations governing the courses of instruction and training and determining eligibility of secondary schools to receive monies from said original license fee fund and initial plate fund.

415:2 Effective Date. This act shall take effect upon its passage.

[Approved June 29, 1971.]

[Effective date June 29, 1971.]

CHAPTER 416.

JOINT RESOLUTION RELATIVE TO REIMBURSEMENT TO THE WENTWORTH SCHOOL DISTRICT FOR FIRE DAMAGE TO THE WENTWORTH ELEMENTARY SCHOOL.

WHEREAS, the Wentworth elementary school was destroyed and all equipment therein was lost as a result of a fire on January 18, 1971, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the board of education is hereby authorized to pay to the Wentworth school district all or any part of the balance appropriated by the Laws of 1969, chapter 368: 4 and entitled "aid to school districts for school building construction" for the fiscal year ending June 30, 1971 to reimburse the Wentworth school district for expenditures incurred in the replacement of the building and equipment, said payment not to exceed fifteen thousand dollars.

[Passed over Governor's veto June 28, 1971.]

CHAPTER 417.

AN ACT TO PERMIT INVESTMENT IN VOTING TRUST CERTIFICATES OF BANKS AND BANK HOLDING COMPANIES IN THE SAME MANNER AS IN THE CAPITAL STOCK OF BANKS AND BANK HOLDING COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

417: 1 Adding Investment in Securities of New Hampshire Bank Holding Companies and Imposing a Limitation. Amend RSA 387:13 as amended by 1967, 234: 11, by striking out paragraph IV and inserting in place thereof the following sections:

IV. NEW HAMPSHIRE BANK HOLDING COMPANIES. The securities of any New Hampshire bank holding company which is registered with the board of governors of the Federal Reserve System under Title 12, United States Code, chapter 17, but the amount of capital stock held by any state chartered bank in legal form or represented by voting trust certificates as an investment and as collateral for loans shall not exceed one-fourth of the total capital stock of such New Hampshire bank holding company.

V. OTHER BANK HOLDING COMPANIES. The securities of any bank holding company which is registered with the board of governors of the Federal Reserve System under Title 12, United States Code, chapter 17 provided:

(a) at least two-thirds of said bank holding company's total assets are assets of banks;

(b) the combined capital stock, surplus and undivided profits of the operating bank affiliates of such bank holding company shall be at least one hundred million dollars;

(c) a dividend in cash shall have been earned and paid by such bank holding company in each of the five fiscal years next preceding the investment. There may be substituted for any year, when such bank holding company was not in existence, the dividend experience of the bank operating affiliates; and

(d) provided further the amount of capital stock held by any state chartered bank in legal form or represented by voting trust certificates as an investment and as collateral for loans shall not exceed one-fourth of the total capital stock of such bank holding company.

417: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 418.

AN ACT LIMITING THE ALLOWABLE NOISE LEVEL OF ALL
RECREATIONAL TYPE VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

418:1 Noise Limit Established. Amend RSA 269-B: 11, III (supp) as inserted by 1969, 488: 1 by inserting at the end thereof the following new paragraph:

(f) (1) No person shall operate a snow traveling vehicle, motorbike, motorcycle, trailbike, all terrain vehicle, including four-wheel drive vehicles or other motorized two or three wheeled trail type vehicle and track type vehicles which produces a sound level at any point fifty feet distant from said vehicle:

(A) From July 1, 1973 to June 30, 1978 of eighty-two decibels or more on the "A" scale;

(B) From July 1, 1978 to June 30, 1983 of seventy-three decibels or more on the "A" scale; and

(C) After July 1, 1983 of seventy decibels or more on the "A" scale.

(2) Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter having characteristics defined by American Standards Association S1, 4-1966 "General Purpose Sound Meter". Measurements shall be made in accordance with applicable practices outlined in the "Procedure for Sound Level Measurements of Snowmobiles" used by the International Snowmobile Industry Association (January, 1969), or with such other standard for measurement of sound level as the commissioner may adopt.

418:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 29, 1971.]

[Effective date August 28, 1971.]

CHAPTER 419.

AN ACT RELATIVE TO THE PAROLE LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

419:1 Parole Board. Amend RSA 607:31 (supp) as amended by 1969, 140: 1 by striking out said section and inserting in place thereof the following:

607:31 State Board of Parole. There is hereby established a state board of parole which shall be composed of three members. The members of the board shall be appointed by the governor with the consent of the council for terms of five years or until their successors are appointed, except that initially one member shall be appointed for a term of five years, one member for a term of three years and one member for a term of one year. The governor shall designate one member as chairman who shall serve in that capacity for the duration of his term. Any vacancy on the

board shall be filled for the unexpired term. The board shall have responsibility for the parole decision process for inmates of the state prison, subject to the applicable provisions of this chapter. The board shall have legal custody of all prisoners released on parole until they receive their discharge or are remanded to prison. The board shall establish such rules as necessary for the conduct of its duties and all necessary terms and conditions for the conduct of persons on parole. The board shall also administer the supervision of persons on parole and shall establish procedures and regulations relative to the performance of the duties of the parole officers as in its judgment are advisable. Each member of the board shall be paid the sum of twenty-five dollars a day for such time as he is engaged in his duties as a member of said board. The board shall keep a record of all doings and shall report thereon to the governor and council quarterly and oftener when by them required. The chairman shall designate one other member of the board to act as chairman in his absence. At least two members of the board shall be present at all hearings.

419:2 Parole At End of Minimum Term. Amend RSA 607:39 (supp) as amended by 1961, 62:1 by striking out said section and inserting in place thereof the following:

607:39 Release at End of Minimum Term. A prisoner may be released on parole upon the expiration of the minimum term of his sentence, minus any credits to which the prisoner is entitled under the provisions of RSA 607:51-a, b and c, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. Any prisoner so released shall be given a permit to be at liberty from said prison during the unexpired portion of the maximum term of his sentence.

419:3 Eligibility for Parole. Amend RSA 607 by inserting after section 41 the following new section:

607:41-a [New] Eligibility for Release; Life Sentences. A prisoner serving a sentence of life imprisonment may be given a like permit at any time after having served eighteen years which shall be deemed the minimum term of his sentence for the purposes of this section, minus any credits earned under the provisions of RSA 607:51-a, b and c, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

419:4 Service of Sentence After Parole Revocation. Amend RSA 607:48 as amended by 1969, 143:1 by striking out said section and inserting in place thereof the following:

607:48 Effect. A prisoner so recommitted may, at any time before the expiration of the remainder of his maximum sentence be again paroled upon such conditions and terms as the parole board shall prescribe. If not so paroled a prisoner so recommitted shall serve the remainder of his maximum sentence minus any credits to which he may thereafter become entitled under RSA 607:51-a and b and less the period of time the prisoner was at liberty on permit, in satisfactory compliance with the terms and conditions of his parole. The time between the return of the parolee to prison after his arrest and revocation of the permit shall be considered as time served as a portion of the maximum sentence.

419: 5 New Subdivision Title. Amend RSA chapter 607 by striking out after RSA 607: 51 the subdivision title "Additional Reduction of Sentence" as inserted by 1969, 95: 1 and inserting in place thereof the subdivision title (Credits Against Sentences).

419: 6 Credits Against Sentences. Amend RSA 607: 51-a as inserted by 1969, 95: 1 by striking out said section and inserting in place thereof the following sections:

607: 51-a Credits for Donation of Blood. Any prisoner who is confined to the state prison, any house of correction or any jail shall be granted credit for five days against both the minimum and maximum terms of his sentence for each donation of his blood to the American Red Cross, to blood banks of nonprofit hospitals and to similar organizations or institutions, or to members of the armed forces of the United States or to residents of the United States in times of disaster or to recognized public agencies engaged in medical or scientific research; such blood shall not be sold nor shall it be devoted to any commercial use. Provided, that no more than ten days of such credit may be earned in any twelve month period.

607: 51-b [New] Credits for Good Conduct. Any prisoner may by good conduct and obedience to the rules of said prison earn credit against both the minimum and maximum terms of his sentence as follows:

I. Ninety days for each full year of the minimum term of his sentence, prorated for a part of any such year;

II. In addition to the foregoing, five days for each month of meritorious service, which may be granted in the discretion of the warden for exemplary conduct.

III. Credits may be granted subject to the foregoing provided that:

(a) Any serious act of misconduct or insubordination, or persistent refusal to conform to prison regulations during his confinement shall subject the prisoner to the loss of all or any portion of such credits, at the discretion of the warden.

(b) Provided further, that upon a prisoner's release on parole any such credits earned prior to his release shall not thereafter be lost.

607: 51-c [New] Credit for Confinement Prior to Sentencing. Any prisoner who is confined to the state prison, any house of correction or any jail shall be granted credit against both the maximum and minimum terms of his sentence equal to the number of days during which the prisoner was confined in jail awaiting and during trial prior to the imposition of sentence and not under any sentence of confinement. The clerk of the court sentencing a prisoner shall record in the mittimus the number of days of such confinement and the credit provided for herein shall be calculated on the basis of such information.

419: 7 Applicability of Sections.

I. RSA 607: 39, 41-a and 51-b as amended or inserted by this act shall apply to all persons confined at the state prison on the effective date of this act.

II. RSA 607: 48, as amended by this act shall apply to all persons at liberty on parole on the effective date of this act, and shall relate back to the date of their last release on parole.

III. Any prisoner sentenced prior to the effective date of this act shall be entitled to the credit provided for in RSA 607: 51-c, as inserted by this

act, in accordance with the following provisions. Such prisoner may request the clerk of the sentencing court to certify to the official having custody of the prisoner the number of days during which the prisoner was confined in jail awaiting and during trial prior to the imposition of sentence and not under any sentence of confinement. Upon receipt of such a request, the clerk shall so certify and shall further state if his records show that the court, in imposing sentence, granted the prisoner credit for time spent in confinement prior to sentence. Unless the clerk's certificate shows that the prisoner has already received such credit, the prisoner shall be granted the credit provided in RSA 607: 51-c.

419: 8 Transition. Notwithstanding the provisions of section one of this act the board of trustees of the state prison shall continue to function as the state board of parole in accordance with the provisions of RSA 607: 31 as amended by 1969, 140: 1 until September 1, 1971 or until the first day of the first month following the qualification of members of the board appointed under section one of this act, if such event occurs later than September 1, 1971. Thereupon, all records of the board of parole shall be transferred to the members appointed under section one of this act, and the members of the board of parole appointed under section one of this act shall assume the duties and authority set forth therein.

419: 9 Repeal. RSA 607: 43 (supp) as amended by 1969, 141: 2 relative to the early release of prisoners, is hereby repealed.

419: 10 Effective Date. This act shall take effect July 1, 1971.

[Approved June 29, 1971.]

[Effective date July 1, 1971.]

CHAPTER 420.

AN ACT LEGALIZING CERTAIN MEETINGS OF NEWFIELDS SEWER DISTRICT, BARNSTEAD SCHOOL DISTRICT, MASCOMA VALLEY REGIONAL SCHOOL DISTRICT AND IN THE TOWNS OF RYE, NEW DURHAM, WASHINGTON, JAFFREY, HAVERHILL, CONWAY, CONWAY SCHOOL DISTRICT, AND WENTWORTH SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

420: 1 Newfields Sewer District. All the votes and proceedings at the meeting of the Newfields sewer district held April 6, 1971, are hereby legalized, ratified and confirmed.

420: 2 Barnstead School District. All the votes and proceedings at the annual meeting of the Barnstead school district held March 5, 1971, are hereby legalized, ratified and confirmed.

420: 3 Mascoma Valley Regional School District. All the votes and proceedings at the meeting of Mascoma Valley regional school district held March 15, 1971, are hereby legalized, ratified and confirmed.

420: 4 Town of Rye. All the votes and proceedings at the annual town meeting in the town of Rye, held March 9, 1971, and the adjourned meeting of March 20, 1971, including but not limited to the votes by the town to

accept as public highways certain roads shown on subdivision plan No. 5114F, file 80A revised section of Myrice-By-The-Sea, recorded in Rockingham county registry of deeds, are hereby legalized, ratified and confirmed.

420:5 Town of New Durham. All the votes and proceedings at the annual town meeting in the town of New Durham, held March 9, 1971, are hereby legalized, ratified and confirmed.

420:6 Town of Washington. All the votes and proceedings at the annual town meeting of the town of Washington, held March 9, 1971, are hereby legalized, ratified and confirmed.

420:7 Town of Jaffrey. All the acts, votes and proceedings, except article 7 as contained in the warrant of the special town meeting held in the town of Jaffrey on November 3, 1970 are hereby legalized, ratified and confirmed.

420:8 Town of Haverhill. All votes, proceedings and actions taken at the Haverhill town meeting of March 9, 1971, including, but not limited to, the vote whereby the town voted that the election of the chief of police shall not be by ballot, are hereby legalized, ratified and confirmed.

420:9 Town of Conway and Special School Meeting. All the acts, votes and proceedings taken at the special school district meeting and election held in Conway on December 16, 1970 and all acts, votes and proceedings, including but not limited to votes taken on a bond issue, at the town meeting held in Conway on March 9 and March 11, 1971, are hereby legalized, ratified and confirmed.

420:10 Wentworth School District. All votes, actions and proceedings of the Wentworth annual school meeting of March 27, 1971 and the adjourned meeting of May 15, 1971, are hereby legalized, ratified and confirmed.

420:11 Effective Date. This act shall take effect upon its passage.
[Approved June 29, 1971.]
[Effective date June 29, 1971.]

CHAPTER 421.

AN ACT RELATIVE TO OPERATION OF LIQUOR STORES ON HOLIDAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

421:1 Holiday Opening. Amend RSA 177:2-b (supp) as inserted by 1969, 388:1 by striking out said section and inserting in place thereof the following:

177:2-b [New] Holiday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that stores may be open for business on any legal holiday except January first, Memorial day, July fourth, Thanksgiving day whenever appointed, and Christmas day provided that any employee working on said holidays shall be compensated for the loss of the holiday plus

one and a half times his regular rate of pay for the actual number of hours worked and provided further that no state store shall open for business on Veterans day prior to 1:00 p.m.

421:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 422.

AN ACT INCLUDING CERTAIN DISABLED PERSONS IN THE CLASS OF
PERSONS PERMITTED TO HUNT ON ISLANDS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

422:1 Certain Disabled Persons Included. Amend RSA 208:6-a (supp) as inserted by 1963, 315:2 and amended by 1969, 137:1 by striking out said section and inserting in place thereof the following:

208:6-a Hunting on Islands by Certain Disabled Persons. Notwithstanding those provisions of RSA 208:2 which relate to the taking of deer upon islands, the director may designate in accordance with this section one or more islands upon which deer may be taken by paraplegics, persons suffering from the loss of, or use of, both lower extremities or persons confined to wheel chairs in accordance with this section. An eligible person desiring to take advantage of this section, and who is properly licensed under the provisions of this title to take deer, shall apply to the director at least fifteen days before the beginning of the open season for deer as prescribed in RSA 208:2 in the area in which he desires to hunt. Upon receipt of such applications, the director shall make such provisions as, in his discretion, shall as fully as possible effectuate the purposes hereof, having regard to the deer population on said designated islands and the number and physical condition of persons desiring to hunt thereon. He may allocate sections or portions of any such island to designated applicants for specific dates, which dates shall be during the open season for taking deer; and he may revoke permits theretofore granted when deer population in any location shall have been reduced to desired limits. The director may make rules or regulations governing the conduct of persons accompanying or assisting eligibles. Permission granted hereunder shall be evidenced by a permit in a form prescribed and issued by the director.

422:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 423.

AN ACT RELATIVE TO REGULATION OF CERTAIN PRIVATE SCHOOLS AND
RELATIVE TO RETAIL INSTALLMENT SELLING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

423:1 Bonds Required. Amend RSA 188-C: 2, I (supp) as inserted by 1969, 477: 1 by striking out in line thirteen the words "a resident of this state" and inserting in place thereof the words (any person) so that said section as amended shall read as follows:

I. Every private commercial, correspondence, trade or other school, charging tuition or fees which gives pre-employment or supplementary training, or both, established and operated in this state, shall be required to register and obtain a license to conduct such business from the state board of education. Said license shall be issued under regulations to be promulgated by the state board of education, who shall establish minimum criteria, such as, financial stability, educational program, administrative, and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees. In no case shall a license be issued to any institution which has not posted a performance bond of five thousand dollars with the state board of education. If an institution licensed pursuant to this section should fail to provide the services called for in a contract with any person, as determined by a court of competent jurisdiction, said bond shall be forfeited, and the proceeds distributed by the state board of education in such a manner as justice and the circumstances require. The fee for a license issued pursuant to this paragraph shall not exceed fifty dollars. Said license shall be renewable yearly.

423:2 Cooling Off Period. Amend RSA 188-C: 5 (supp) as inserted by 1969, 477: 1 by striking out said section and inserting in place thereof the following:

188-C: 5 Waiting Period. Every contract that purports to bind any person to pay money to a private trade, commercial, correspondence or other school in return for training by said school shall be construed to be a home solicitation sales contract within the meaning of RSA 361-B and shall contain the notice required therein and be subject to the provisions of that chapter.

423:3 Three Business Days. Amend RSA 361-B: 2, I, 1 (supp) as inserted by 1969, 437: 1 by striking out said paragraph and inserting in place thereof the following:

1. You are entitled to cancel this agreement before midnight of the third (3rd) business day after the date of signature on this agreement by sending a written notice of cancellation to the seller, by certified mail, return receipt requested. (For the purposes of this paragraph a Saturday, Sunday or holiday shall not be considered a business day.) The address to which notice of cancellation is to be made is

423:4 Effect of Noncompliance. Amend RSA 361-B: 2, II (supp) as inserted by 1969, 437: 1 by striking out said paragraph and inserting in place thereof the following:

II. In the event that the seller does not comply with paragraph I the buyer shall have until midnight of the third (3rd) business day following

the time of compliance by the seller to cancel this sale. (For the purpose of this paragraph a Saturday, Sunday or holiday shall not be considered a business day.)

423: 5 Effective Date. Section 1 of this act shall take effect upon its passage. The remaining sections shall take effect January 1, 1972.

[Approved June 30, 1971.]

[Effective date. Section 1 of act shall take effect June 30, 1971. Remaining sections effective January 1, 1972.]

CHAPTER 424.

AN ACT RELATIVE TO LAPSE TIME ON APPROPRIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

424: 1 General Appropriations. Amend RSA 9: 18 (supp) as amended by 1967, 77: 1 by striking out said section and inserting in place thereof the following:

9: 18 Lapsed Appropriations. Except as otherwise specially provided, all unexpended portions of special appropriations shall lapse when the object for which the appropriation was made has been accomplished and, in any event, at the expiration of three years from the date when the act creating the appropriation first took effect, unless there are obligations incurred by contract thereunder, made within said period, in which case there shall be no lapse until the satisfaction or fulfillment of such contractual obligations. Except as otherwise specially provided, all unexpended portions of general appropriations which have not been expended during the fiscal year for which they were appropriated shall lapse at the end of fifteen days after the expiration of the year. Upon request from a department or agency to which a general appropriation has been made, the governor and council may, if they find that it is in the best interest of the state, extend the time for the lapsing of so much of said appropriation as is needed to satisfy obligations by contract or purchase order which were encumbered during the fiscal year. No later than two weeks after the convening of any regular session of the legislature, the state comptroller shall submit a list of all extensions of the time of lapsing of any general appropriation approved by the governor and council under this section together with the reasons therefor to the chairman of the appropriations committee of the house of representatives and to the chairman of the senate finance committee.

424: 2 Effective Date. This act shall take effect upon passage.

[Approved June 30, 1971.]

[Effective date June 30, 1971.]

CHAPTER 425.

JOINT RESOLUTION MAKING AN ADDITIONAL APPROPRIATION TO THE STATE TREASURER FOR FISCAL 1971 FOR ACTUARIAL SERVICES AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF ADMINISTRATION AND CONTROL AND FOR THE STATE TREASURER.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of twenty-eight thousand dollars is hereby appropriated for the fiscal year ending June 30, 1971 to be expended by the office of state treasurer for the cost of actuarial services.

THAT the sum of two hundred and forty-three thousand dollars is hereby appropriated for the fiscal year ending June 30, 1971 to be expended by the department of administration and control as follows:

Old age survivor's insurance contributions:

State employees	242,000
Teachers	1,000

THAT the sum of twenty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1971 to be expended by the state treasurer as follows:

Hospitalization and group life insurance	20,000
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SAID sums are in addition to any other funds appropriated for said fiscal year for said purposes. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 30, 1971.]

CHAPTER 426.

AN ACT TO REQUIRE CITIES AND TOWNS TO PROVIDE TAX MAPS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

426:1 Tax Maps. Amend RSA 31 by inserting after section 95 the following new section:

31:95-a [New] Tax Maps. Every city and town shall, prior to January 1, 1980, have a tax map, so-called, drawn. Said map shall show the boundary lines of each parcel of land in the city or town and shall be properly indexed. The tax map shall be maintained in an up-to-date manner. Said map shall be open to public inspection in a city or town office during regular business hours.

426:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 427.

AN ACT INCREASING THE BOND REQUIRED OF CERTAIN COUNTY OFFICERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

427:1 Treasurer and Register of Deeds. Amend RSA 27:2 by striking out in line three the word "five" and the word "fifty" and inserting in place thereof the word (twenty) and the words (three hundred) so that said section as amended shall read as follows:

27:2 Amount. The bond of each sheriff shall be in a sum not to exceed twenty thousand dollars, that of each treasurer and register of deeds in a sum not less than twenty thousand nor more than three hundred thousand dollars, and that of each county attorney and register of probate in a sum not less than five thousand dollars.

427:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 428.

AN ACT RELATIVE TO THE DUTIES OF BUILDING INSPECTORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

428:1 Building Permit Requirements. Amend RSA 36:35 by inserting at the end thereof the words (, and the permit issued shall also be in compliance with all existing zoning laws and building ordinances.) so that said section as amended shall read as follows:

36:35 Building Inspector. Council may provide for the enforcement hereof by means of the withholding of building permits, and for this purpose a municipality which has not already designated an administrative official charged with the issuance of building permits is authorized to establish and fill the position of building inspector. From and after the establishment of such position and the filling of same, it shall be unlawful to erect, construct, or alter or reconstruct any building or other structure without obtaining a building permit from such building inspector; and such building inspector shall not issue any permit unless the requirements hereof are complied with, and the permit issued shall also be in compliance with all existing zoning laws and building ordinances.

428:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 429.

AN ACT RELATING TO AN INTERSTATE BOUNDARY COMMISSION FOR THE MARINE BOUNDARY BETWEEN NEW HAMPSHIRE AND MAINE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

429: 1 Commission. The governor, with the advice and consent of the council, shall appoint three suitable persons resident in this state, as commissioners upon the part of the state of New Hampshire to enter into, with the state of Maine, by and through the commissioners who may be appointed under or by virtue of the laws of the state of Maine, an agreement or compact defining and ascertaining the common, lateral marine boundary of the two states from the mouth of Portsmouth harbor to the entrance of Gosport harbor in the Isles of Shoals, and from the easterly side of the Isles of Shoals to the limits of state jurisdiction.

429: 2 Powers. The commissioners on the part of the state of New Hampshire are hereby authorized and empowered to meet, from time to time, such commissioners as may be appointed for the same purposes and with substantially similar powers on the part of the state of Maine, to define and ascertain such common, lateral marine boundary, in order to prevent future mistakes and disputes respecting the same. The commissioners on the part of this state are authorized and empowered, in the performance of their duties hereunder, to agree upon such principles respecting the location of such common, lateral marine boundary as from the best evidence they can obtain may appear to them just and reasonable, and they may employ, within the limits of available funds, such experts and consultants as they may think proper to assist them in the performance of their duties.

429: 3 Agreement. If mutual agreement is reached, it shall be reduced to writing in the form of a compact and then signed by the commissioners of each state or by at least a majority of each body. Such compact shall be thereupon submitted by the respective commissioners to the legislatures of the two states for approval by appropriate legislative acts. Upon approval by legislative act by each state, such compact shall become provisionally effective and binding upon this state, subject only to the consent and approval of the congress of the United States.

429: 4 Approval of Compact. The commissioners on the part of this state, together with the commissioners appointed by the state of Maine, shall have the power to apply to the congress of the United States for its consent or approval of the compact entered into by said states. Upon the consent and approval thereof by the Congress, such compact shall become final and binding upon the state of New Hampshire and shall be filed in the office of its secretary of state.

429: 5 Vacancy. If a vacancy shall occur by death, resignation or otherwise of those appointed as commissioners for the state of New Hampshire hereunder, the governor, with the advice and consent of the council, shall fill the same.

429: 6 Limitation. If the commissioners on the part of this state shall be unable to reach written agreement hereunder with the commissioners appointed by the state of Maine before March 1, 1975, their powers hereunder shall terminate, unless extended by the legislature.

429: 7 Compensation and Expenses. The commissioners on the part of this state shall receive their necessary expenses in the performance of their official duties and each reasonable per diem as may be fixed by the governor and council.

429: 8 Appropriation. The sum of seven thousand five hundred dollars is hereby appropriated for the purposes hereof, and the same shall be a continuing appropriation which shall not lapse and shall be a charge upon the marine fisheries fund of the fish and game department.

429: 9 Effective Date. This act shall take effect on July 1, 1971.

[Approved June 30, 1971.]

[Effective date July 1, 1971.]

CHAPTER 430.

AN ACT ENACTING THE FAIR CREDIT REPORTING ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

430: 1 New Chapter. Amend RSA by inserting after chapter 359-A the following new chapter:

CHAPTER 359-B [NEW]

CONSUMER CREDIT REPORTING

359-B: 1 Short Title. This chapter may be cited as the Fair Credit Reporting Act.

359-B: 2 Findings and Purpose.

I. The general court makes the following findings:

(a) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

(b) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

(c) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

(d) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

II. It is the purpose of this chapter to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this chapter.

359-B: 3 Definitions and Rules of Construction.

I. Definitions and rules of construction set forth in this section are applicable for the purposes of this chapter.

II. The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

III. The term "consumer" means an individual.

IV. The term "consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under RSA 359-B: 4. The term does not include (1) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (2) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (3) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under RSA 359-B: 15.

V. The term "investigative consumer report" means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

VI. The term "consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

VII. The term "file", when used in connection with information on any consumer, means all of the information on that consumer recorded, and retained by a consumer reporting agency regardless of how the information is stored.

VIII. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

IX. The term "medical information" means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

359-B: 4 Permissible Purposes of Reports.

I. A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

(a) In response to the order of a court having jurisdiction to issue such an order.

(b) In accordance with the written instructions of the consumer to whom it relates.

(c) To a person which it has reason to believe—

(1) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

(2) intends to use the information for employment purposes; or

(3) intends to use the information in connection with the underwriting of insurance involving the consumer; or

(4) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(5) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

359-B: 5 Obsolete Information.

I. Except as authorized under paragraph II, no consumer reporting agency may make any consumer report containing any of the following items of information:

(a) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

(b) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

(c) Paid tax liens which, from date of payment, antedate the report by more than seven years.

(d) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

(e) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

(f) Any other adverse item of information which antedates the report by more than seven years.

II. The provisions of paragraph I are not applicable in the case of any consumer credit report to be used in connection with:

(a) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal twenty thousand dollars, or more.

359-B: 6 Disclosure of Investigative Consumer Reports.

I. A person may not procure or cause to be prepared an investigative consumer report on any consumer unless:

(a) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure

(1) is made in writing mailed, or otherwise delivered, to the consumer, not later than three days after the date on which the report was first requested, and

(2) includes a statement informing the consumer of his right to request the additional disclosures provided for under paragraph II, or

(b) the report is to be used for employment purposes for which the consumer has not specifically applied.

II. Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by paragraph I(a), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

III. No person may be held liable for any violation of paragraph I or II if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with paragraph I or II.

359-B: 7 Compliance Procedures.

I. Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of RSA 359-B: 5 and to limit the furnishing of consumer reports to the purposes listed under RSA 359-B: 4. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in RSA 359-B: 4.

II. Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

359-B: 8 Disclosures to Governmental Agencies. Notwithstanding the provisions of RSA 359-B: 4, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

359-B: 9 Disclosures to Consumers.

I. Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

(a) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

(b) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: provided, that in the event an action is brought under this chapter, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

(c) The recipients of any consumer report on the consumer which it has furnished:

(1) for employment purposes within the two-year period preceding the request, and

(2) for any other purpose within the six-month period preceding the request.

II. The requirements of paragraph I respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this chapter except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

359-B: 10 Conditions of Disclosure to Consumers.

I. A consumer reporting agency shall make the disclosures required under RSA 359-B: 9 during normal business hours and on reasonable notice.

II. The disclosures required under RSA 359-B: 9 shall be made to the consumer:

(a) in person if he appears in person and furnishes proper identification; or

(b) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

III. Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to RSA 359-B: 9.

IV. The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

V. Except as provided in RSA 359-B: 16 and 17, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to RSA 359-B: 9, 10 or 15, except as to false information furnished with malice or willful intent to injure such consumer.

359-B: 11 Procedure in Case of Disputed Accuracy.

I. If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after

such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

II. If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

III. Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

IV. Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to paragraph I or II to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

359-B:12 Charges for Certain Disclosures. A consumer reporting agency shall make all disclosures pursuant to RSA 359-B: 9 and furnish all consumer reports pursuant to RSA 359-B: 11, IV, without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to RSA 359-B: 15 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under RSA 359-B: 9 or 11, IV. Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to RSA 359-B: 9, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to person designated by the consumer pursuant to RSA 359-B: 11, IV, the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

359-B:13 Public Record Information for Employment Purposes. A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely

to have an adverse effect upon a consumer's ability to obtain employment shall:

I. at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

II. maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

359-B: 14 Restrictions on Investigative Consumer Reports. Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

359-B: 15 Requirements on Users of Consumer Reports.

I. Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

II. Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

III. No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of paragraphs I and II.

359-B: 16 Civil Liability for Willful Noncompliance. Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any consumer is liable to that consumer in an amount equal to the sum of:

I. any actual damages sustained by the consumer as a result of the failure;

II. such amount of punitive damages as the court may allow; and

III. in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

359-B: 17 Civil Liability for Negligent Noncompliance. Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of:

I. any actual damages sustained by the consumer as a result of the failure;

II. in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

359-B: 18 Jurisdiction of Courts; Limitation of Actions. An action to enforce any liability created under this chapter may be brought in any court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this chapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

359-B: 19 Obtaining Information Under False Pretenses. Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

359-B: 20 Unauthorized Disclosures by Officers and Employees. Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

359-B: 21 Administrative Enforcement. Compliance with the requirements imposed under this chapter shall be enforced by the consumer protection division in the office of the attorney general.

430: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 431.

AN ACT PROVIDING ADDITIONAL RETIREMENT ALLOWANCES FOR CERTAIN RETIRED TEACHERS AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

431: 1 Teachers' Retirement System. Amend RSA 192 by inserting after section 28 the following new section:

192: 29 [New] 1972 Allowances. Any beneficiary who retired prior to July 1, 1957 and who is in receipt of a retirement allowance on January 1, 1972, including any teacher retired under the teachers' retirement system as established by RSA 136, shall, beginning with the month of January 1972, and monthly thereafter, but not beyond the month of December 1972, have his allowance increased in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of November 1970 bears to the corresponding index for the year in which the member retired; except that in the case of service beneficiaries, such increased retirement allowance shall be at least seventy dollars for each year of creditable service at retirement not exceeding thirty years, and in the case of disability beneficiaries, such increased retirement allowance shall be at least sixty-eight dollars for each year of creditable service at retirement not exceeding thirty years. Provided, however, if any such beneficiary has filed an election in accordance with RSA 192: 13, II his retirement allowance shall be increased for said period only in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of November 1970 bears to the corresponding index for the year in which the member retired. In the event the retired member is receiving a reduced retirement allowance because of having elected an option, such increased retirement allowance shall be reduced in the same proportion as the retirement allowance prior to optional modification was reduced at retirement. If the beneficiary of a retired member who retired prior to July 1, 1957 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, such beneficiary shall be paid beginning with the month of January 1972 and monthly thereafter, but not beyond the month of December 1972, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification had he been living on January 1, 1972 as the survivor annuity bears to the full allowance prior to optional modification of such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the before mentioned provisions the difference between said increased retirement allowance and the retirement allowance said beneficiary is receiving as of December 31, 1971 shall be multiplied by two and the sum ascertained by this formula shall be paid to said beneficiary in twelve monthly installments beginning January 1, 1972 and ending December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

431: 2 Appropriation. In order to provide funds for the payment of the supplemental allowances provided under RSA 192: 29 as hereinbefore inserted, the sum of one hundred fifty-two thousand, one hundred forty-eight dollars is hereby appropriated for the fiscal year ending June 30, 1972 and the sum of one hundred fifty-two thousand, one hundred forty-eight dollars is hereby appropriated for the fiscal year ending June 30, 1973. The first sum herein mentioned shall be expended by the teachers' retirement system for the payment of supplemental benefits for the period from January 1, 1972 to June 30, 1972, and the second sum herein mentioned shall

be expended by said system for the payment of supplemental benefits for the period from July 1, 1972 to December 31, 1972. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

431:3 Effective Date. This act shall take effect on January 1, 1972.
[Approved June 30, 1971.]
[Effective date January 1, 1972.]

CHAPTER 432.

AN ACT PROVIDING ADDITIONAL RETIREMENT ALLOWANCES FOR STATE POLICE WHO RETIRED SUBSEQUENT TO JULY 1, 1961 AND PRIOR TO JANUARY 1, 1968 AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

432:1 New Hampshire Police Retirement System. Amend RSA 103 by inserting after section 14 the following new section:

103:14-a [New] Allowances for Beneficiary of the Police Retirement System. Any state police beneficiary who has retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1972 and who retired under the police retirement system shall beginning with the month of January 1972 and monthly thereafter but not beyond the month of December 1972 have his allowance increased by six percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, the beneficiary shall be paid beginning with the month of January 1972 and monthly thereafter but not beyond the month of December 1972, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1972, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1971 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1972 to December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

432:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of three thousand, nine hundred eighty dollars and thirty-one cents is hereby appropriated for the fiscal year ending June 30, 1972, to be expended between January 1, 1972 and

June 30, 1972 and the sum of three thousand, nine hundred eighty dollars and thirty-one cents is hereby appropriated for the fiscal year ending June 30, 1973, to be expended between July 1, 1972 and December 31, 1972. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

432:3 Effective Date. This act shall take effect January 1, 1972.

[Approved June 30, 1971.]

[Effective date January 1, 1972.]

CHAPTER 433.

AN ACT PROVIDING ADDITIONAL COST OF LIVING RETIREMENT ALLOWANCES FOR STATE EMPLOYEES WHO RETIRED SUBSEQUENT TO JULY 1, 1961 AND PRIOR TO JANUARY 1, 1968 AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

433:1 State Employees' Retirement System. Amend RSA 100:20-e (supp) as inserted by 1967, 391:1 and amended by 1969, 439:1 by striking out said section and inserting in place thereof the following:

100:20-e [New] Supplementary Cost of Living Allowances. Any state employee beneficiary who retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1972 and who retired under the state employees' retirement system as established by Laws of 1945, 183, with amendments thereto, shall beginning with the month of January, 1972 and monthly thereafter but not beyond the month of December, 1972 have his allowance increased by six percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, the beneficiary shall be paid beginning with the month of January, 1972 and monthly thereafter but not beyond the month of December, 1972, and increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1972, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1971 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1972 to December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be

contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

433:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of twenty-nine thousand three hundred seventy dollars and fifty cents is hereby appropriated for the fiscal year ending June 30, 1972, to be expended between January 1, 1972 and June 30, 1972 and the sum of twenty-nine thousand three hundred seventy dollars and fifty cents is hereby appropriated for the fiscal year ending June 30, 1973, to be expended between July 1, 1972 and December 31, 1972. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

433:3 Effective Date. This act shall take effect January 1, 1972.

[Approved June 30, 1971.]

[Effective date January 1, 1972.]

CHAPTER 434.

AN ACT TO PROVIDE ADDITIONAL RETIREMENT ALLOWANCES TO CERTAIN RETIRED MEMBERS OF THE POLICEMEN'S RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

434:1 Additional Allowances for Certain Retired Permanent Policemen. Any retired permanent policeman whose retirement benefit under the provisions of RSA 103 is less than one hundred dollars per month and who retired prior to May 1, 1961, shall, beginning with the month of January, 1972, and monthly thereafter, but not beyond the month of December, 1972, receive an additional monthly retirement allowance equal to twice the amount by which his regular monthly retirement benefit is less than one hundred dollars.

434:2 Appropriation. In addition to any other funds appropriated for the policemen's retirement fund, there is hereby appropriated the sum of one thousand one hundred thirteen dollars and sixty cents to provide funds for the payment of the additional monthly retirement allowances provided by section 1 of this act. The governor is authorized to draw his warrant for the sum appropriated by this act out of any money in the treasury not otherwise appropriated.

434:3 Effective Date. This act shall take effect January 1, 1972.

[Approved June 30, 1971.]

[Effective date January 1, 1972.]

CHAPTER 435.

AN ACT RELATIVE TO REVISIONS AND SUPPLEMENTS TO THE LAW ENFORCEMENT MANUAL AND MAKING AN APPROPRIATION FOR AN ADDITIONAL PRINTING OF THE MANUAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

435:1 Revisions and Supplements. Amend RSA 7:6-a (supp) as inserted by 1957, 205:1 by striking out said section and inserting in place thereof the following:

7:6-a Law Enforcement Manual. Under the direction of the attorney general there shall be prepared and distributed from time to time a law enforcement manual, revisions thereof and supplements thereto. This manual shall contain interpretations of law pertaining to the duties of peace officers, law of arrest, admissibility of evidence, trial procedure and such other material as the attorney general deems necessary. This manual, revisions thereof and supplements thereto shall be for distribution to such law enforcement officials as the attorney general may determine upon the payment of such price therefor as determined by the attorney general, and in addition at no charge one copy to each member of the general court requesting the same and six copies to the office of legislative services.

435:2 Additional Appropriation. There is hereby appropriated for the attorney general's department for the purpose of printing copies of the 1970 edition of the law enforcement manual, in addition to any other sums appropriated for said purposes, the sum of two thousand six hundred ten dollars as follows:

Other expenditures:

Law enforcement manuals	\$2,610
Less federal funds	2,610

Net appropriation

—0—

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

435:3 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1971.]

[Effective date June 30, 1971.]

CHAPTER 436.

AN ACT RELATIVE TO NEW HAMPSHIRE TECHNICAL INSTITUTE AND VOCATIONAL-TECHNICAL COLLEGES BOOKSTORE OPERATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

436:1 Technical Institute and Vocational-Technical Colleges. Amend RSA 188-A by inserting after section 11, (supp) the following new section:

188-A:11-a [New] Bookstore Operation. The commissioner of education may purchase such merchandise for resale in bookstores at the

technical institute and vocational technical colleges as may be necessary for the efficient operation of the post-secondary programs. Said purchases shall be for instructional books, supplies and materials only. The commissioner shall, with the approval of the governor and council, establish a bookstore inventory account and purchases under this section shall be a charge upon said account. The price to be charged for instructional books, supplies and materials shall be sufficient to pay for the cost of the items purchased plus an additional service charge. Net revenue derived from bookstore operations shall be paid into the general fund of the state.

436: 2 Effective Date. This act shall take effect July 1, 1971.

[Approved June 30, 1971.]

[Effective date July 1, 1971.]

CHAPTER 437.

AN ACT TO AMEND THE CHARTERS OF CERTAIN SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

437: 1 New Hampshire Savings Bank. Amend section 5, chapter 8, Laws of 1830 as amended by section 1, chapter 255 of the Laws of 1945 by striking out in line two the words "sixty-five" and inserting in place thereof the words (seventy-five) so that said section as amended shall read as follows:

Sec. 5. And be it further enacted, That the number of members of said corporation shall not exceed seventy-five at any one time; and any number not less than seven shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said corporation; provided that such meetings shall have been duly notified, in conformity to the by-laws of said corporation; and provided further that said corporation may by their by-laws require the attendance of one or more of their officers by them designated to constitute a quorum for the election of new members in addition to the number of members hereinbefore prescribed.

437: 2 Mascoma Savings Bank. Amend section 6, chapter 152, Laws of 1899 by striking out said section and inserting in place thereof the following:

Sect. 6. No member of the corporation shall receive any compensation for his services in said savings bank, nor derive any emolument therefrom; provided, however, that a reasonable compensation shall be paid to the officers, including trustees, and others necessarily employed in transacting its business. Said savings bank may classify its holders of interest bearing savings accounts according to the character, amount, duration, volume or regularity of their dealings with the bank, may by by-law determine the privileges and obligation of each such class of depositors, and, subject to other applicable provisions of law, may divide the net income or profits of deposits, based on such classification, at such reasonable times and in such manner and proportion and subject to such equitable rules and regulations as the trustees may from time to time provide, so long as each depositor

shall receive the same rate of interest as all others in his class. The right is reserved to said savings bank to refuse any sums offered for deposit and to repay deposits.

437:3 Nashua Trust Company. Amend section 2 of chapter 279, Laws of 1889, as amended by chapter 265, Laws of 1891, and chapter 167, Laws of 1905, and chapter 222, Laws of 1921, and chapter 321, Laws of 1929, and chapter 456, Laws of 1965, by striking out said section and inserting in place thereof the following:

Sect. 2. The said company shall have a capital stock of three hundred thirty thousand dollars divided into shares of five dollars each, with authority to increase the capital stock to one million two hundred thousand dollars and it may acquire and hold real estate for its own use, exclusive of such real estate as may be taken in good faith for debt or held as collateral security, to the amount of its capital stock and unimpaired surplus, provided, that this amount may be increased if approved by the bank commissioner.

437:4 Effective Date. This act shall take effect upon its passage.
[Approved June 30, 1971.]
[Effective date June 30, 1971.]

CHAPTER 438.

AN ACT GRANTING A TAX EXEMPTION TO PERSONS WHO HAVE LIVED
WITH THEIR SPOUSE AS MAN AND WIFE FOR AT LEAST FIVE YEARS
WHEN EITHER PERSON IS SEVENTY OR OVER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

438:1 Sole Ownership. Amend RSA 72:39 (supp) as inserted by 1969, 496:1 and amended by 1970, 54:1 by inserting after paragraph III the following new paragraph:

IV. Owned by a resident who, or whose spouse, is seventy years of age or over and who has been living with his spouse as man and wife for at least five years.

438:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved June 30, 1971.]
[Effective date August 29, 1971.]

CHAPTER 439.

AN ACT DEFINING CHARITABLE TRUSTS AND PROVIDING FOR THE FILING
OF INSTRUMENTS AND REPORTS RELATIVE TO SAID TRUSTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

439:1 Scope of Subdivision. Amend RSA 7:19 by striking out said section and inserting in place thereof the following:

7: 19 Authority; Register Authorized. RSA 7: 19 through 32-a inclusive shall apply to all trustees holding property for charitable purposes and the attorney general shall have and exercise, in addition to all the common law and statutory rights, duties and powers of the attorney general in connection with the supervision, administration and enforcement of charitable trusts, the rights, duties and powers set forth in RSA 7: 19 through 32-a inclusive. The attorney general shall also have the authority to prepare and maintain a register of all charitable trusts heretofore or hereafter established or active in this state. However, this subdivision does not apply to the United States; any state territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico or to any of their agencies or governmental subdivisions or to any religious organization which holds property for charitable or religious purposes or their integrated auxiliaries or to conventions or associations of churches; or to educational organizations which normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where their educational activities are regularly carried on or to hospitals.

439: 2 Definitions. Amend RSA 7: 21 by striking out said section and inserting in place thereof the following:

7: 21 Definitions. For the purposes of this subdivision, the following words shall have the meanings ascribed herein below unless the context clearly indicates otherwise:

I. "Charitable trust" shall mean any fiduciary relationship with respect to property arising as a result of a manifestation of an intention to create it and subjecting the person by whom the property is held to equitable duties to deal with the property for charitable or community purposes.

II. "Trustee" shall mean:

(a) Any individual, group of individuals, corporation or other legal entity holding property in trust pursuant to any charitable trust or charitable purpose.

(b) A corporation formed for the administration of a charitable trust pursuant to the directions of the settlor or at the instance of the trustee.

439: 3 Reports. Amend RSA 7: 28 by striking out said section and inserting in place thereof the following:

7: 28 Reports by Trustees of Charitable Trusts.

I. Every trustee subject to this chapter who has received property for charitable purposes shall file with the attorney general, within six months after any part of the income or principal is authorized or required to be expended for a charitable purpose, a copy of the instrument providing for the title, powers or duties of the trustee. If any part of the income or principal is authorized or required to be expended for a charitable purpose at the time this act takes effect, the filing shall be made within six months after the effective date of this act.

II. Except as otherwise provided, every trustee subject to this chapter shall, in addition to filing copies of the instruments required by RSA 7: 28, I file with the attorney general periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee, the property so held or administered, the receipts and expenditures in connection therewith, the names and addresses of the beneficiaries thereof and such other informa-

tion as he may require, in accordance with the rules and regulations of the attorney general.

III. The attorney general shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required to the ends (a) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature, which will enable him to ascertain whether they are being properly administered, and (b) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts. The attorney general may suspend the filing of reports as to a particular charitable trust for a reasonable, specifically designated, time upon written application of the trustee filed with the attorney general and after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

IV. A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the attorney general, may be filed as a report required by this section.

V. The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than four months and fifteen days following the close of the first calendar or fiscal year in which any part of the income or principal is authorized or required to be applied to a charitable purpose and annually thereafter, unless excused by the attorney general under RSA 7:28, III. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this act takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of this act.

VI. Failure for two successive years to file a report shall, unless excused by the attorney general under RSA 7:28, III, constitute a breach of trust and the attorney general shall take such action as may be appropriate to compel compliance.

439:4 Office Staff. Amend RSA 7:31 by striking out said section and inserting in place thereof the following:

7:31 Employees. Subject to the state personnel regulations, and within the limits of available funds, the attorney general may employ and fix the compensation of such employees as may be necessary to carry out the provisions of this subdivision.

439:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 440.

AN ACT PROVIDING FOR THE TEMPORARY CLASSIFICATION OF THE POSITION OF ASSISTANT ATTORNEY GENERAL IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

440:1 Temporary Downgrading. Amend RSA 7 by inserting after section 16 (supp) the following new section:

7:16-a [New] Temporary Classification. In the event of a vacancy in the office of assistant attorney general, the attorney general may downgrade such office to the position of attorney I, II or III in his discretion for the purpose of filling the same with a person lacking sufficient experience to qualify for the office of assistant attorney general. Said position, when downgraded, shall entitle the person holding the same to all the rights and privileges of the classified state system except that the persons holding the same shall serve at the pleasure of the attorney general; and provided, that no later than the expiration of three years from the initial date of employment, the person holding such position shall either be nominated and confirmed in the office of assistant attorney general as provided in RSA 7:16 for the unexpired term or shall be discharged. In the event that said person is discharged, the attorney general may fill the vacancy in the office of assistant attorney general for the unexpired term as provided in RSA 7:16 or may again downgrade the position to attorney I, II, or III.

440:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 441.

AN ACT ESTABLISHING A COMMITTEE TO STUDY SEARCH AND RESCUE COSTS AND OTHER PROBLEMS RELATED TO SUCH MISSIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

441:1 Study Committee Established. A search and rescue study committee consisting of fifteen members who are familiar with problems and other incidents relating to search and rescue missions is hereby established to study the problems connected with search and rescue missions. The members shall be appointed by the governor with the advice and consent of the council. No compensation shall be paid to the members for their services.

441:2 Duties. The committee shall study among other things:

- I. The state's responsibility to conduct search and rescue missions;
- II. The state's liability for lost or injured persons;
- III. The assessment for charges and damages arising out of rescue missions;
- IV. What state fund, if any, should be charged for costs of search and rescue missions;

V. The feasibility of requiring certain persons to carry compulsory insurance to cover the cost of search and rescue missions; and

VI. Such other problem areas that will provide assistance to the state in formulating future policies.

441:3 Report and Recommendations. The committee shall submit a report and any drafts of proposed legislation to the governor by October 1, 1972.

441:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 442.

JOINT RESOLUTION PROVIDING FOR PAYMENT OF BOBCAT BOUNTIES AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, the sum of three thousand, five hundred and eighty-five dollars is due as bounties for bobcats killed and reported to the department of fish and game pursuant to RSA 470:5 during the fiscal years 1966 and 1967, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT, in order to pay the bounties on bobcats due for the fiscal years 1966 and 1967, the governor is authorized to draw his warrant upon the fish and game fund for the sums necessary to pay said bounties to the persons to whom they are due according to the record of the department of fish and game.

[Approved June 30, 1971.]

CHAPTER 443.

AN ACT RELATIVE TO EDUCATION FOR ALL HANDICAPPED CHILDREN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

443:1 Education For All Handicapped Children. Amend RSA 186-A:6 (supp) as inserted by 1965, 378:1 by striking out said section and inserting in place thereof the following:

186-A:6 Education Required. Every handicapped child capable of being benefited by instruction shall attend an approved school or program to which he may be assigned. If a physically handicapped child capable of being benefited by instruction shall make application for continued educational facilities, such instruction may be continued until such time as the

physically handicapped child has acquired education equivalent to a high school education or has attained the age of twenty-one years.

443: 2 Programs for All Handicapped Children. Amend RSA 186-A: 7 (supp) as inserted by 1965, 378: 1 by striking out said section and inserting in place thereof the following:

186-A: 7 Establishment of Programs. A school district shall establish programs for handicapped children as approved by the state board of education, or shall pay tuition to such an approved program maintained by another school district or by a private organization. Eligibility for this type of education shall be determined by the school board under regulations promulgated by the state board of education.

443: 3 Tuition For All Handicapped Children. Amend RSA 186-A: 8 (supp) as amended, by striking out said section and inserting in place thereof the following:

186-A: 8 Tuition of Handicapped Children. Whenever any handicapped child shall attend any public or private school or program situated within or outside of this state, which offers special instruction for the training or education of handicapped children, and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and shall appropriate and pay a portion of the cost of such education. The state board of education may assign children to approved schools for handicapped children, as provided in RSA 193: 3. Schooling for deaf children may commence at age four. The school district in which each handicapped child resides shall be liable for the tuition of said child. The tuition shall be limited to the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils and except capital outlay and debt obligations. A school district may pay tuition at a rate higher than the amount specified in this section when in the judgment of the school board the circumstances warrant it. In Cheshire county, upon request of such a school district, and upon approval by the county convention, the county may raise and appropriate funds to pay a portion of such costs for special education under this section.

443: 4 Education For the Handicapped. Amend RSA 186: 11, XIII by striking out said paragraph and inserting in place thereof the following:

XIII. EDUCATION FOR THE HANDICAPPED. Prepare, develop and administer plans to provide educational facilities for the handicapped.

443: 5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 444.

AN ACT RELATIVE TO SEWAGE DISPOSAL SYSTEMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

444:1 Sewage Disposal Systems; Title. Amend the title of RSA 149-E (supp) as inserted by 1967, 147: 13 by striking out the words "near shoreline" so that said title as amended shall read as follows: Sewage Disposal Systems.

444:2 Declaration of Purpose. Amend RSA 149-E:1 (supp) as inserted by 1967, 147: 13 by striking out in line four the words "near shorelines" so that said section as amended shall read as follows:

149-E:1 Declaration of Purpose. The purpose of this chapter is to protect water supplies and to prevent pollution in the surface waters of the state as defined in RSA 149 by inadequate sewer or waste disposal systems. In exercising any and all powers conferred upon it by this chapter, the New Hampshire water supply and pollution control commission shall be governed solely by criteria relevant to the declaration of purpose contained in this section.

444:3 Repeal. RSA 149-E:2, 1 (supp) as inserted by 1967, 147:13 relative to a definition of "near shorelines" is hereby repealed.

444:4 Submission of Plans and Specifications. Amend RSA 149-E: 3, I (supp) as inserted by 1967, 147: 13 by striking out in lines one, two, and eighteen the words "near any shoreline" and by striking out in line five the words "near any shoreline or" so that said paragraph as amended shall read as follows:

I. Any person proposing either to subdivide land or to construct a sewage or waste disposal system shall submit two copies of plans for any such subdivision of land and two copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the water supply and pollution control commission as hereinafter provided. The water supply and pollution control commission shall implement the requirement set forth herein relating to the submission of plans and specifications to the commission by promulgating such rules and regulations as it deems necessary to fully effectuate the purposes of this chapter. Such rules and regulations shall be promulgated in the manner hereinafter provided in RSA 149-E: 5, III. Without limitation of the foregoing, such rules and regulations shall specify when and where such plans and specifications are to be submitted, what details, data and information are to be contained in such plans and specifications, what tests are to be required, what standards, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, and property boundaries drawn to scale and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and said facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the commission. All inspections by the commission shall be accomplished within seven business days after

receipt of written notification from the builder that such system is ready for inspection.

444:5 Prior Approval of Sewage Disposal Systems. Amend RSA 149-E: 3, III (supp) as inserted by 1967, 147: 13 by striking out in lines two and three the words "near shorelines" so that said paragraph as amended shall read as follows:

III. No person shall construct any building from which sewage or other wastes will discharge or construct a sewage or waste disposal system without prior approval of the plans and specifications of the sewage or waste disposal system by the commission. Nothing herein shall be construed to modify or lessen the powers conferred upon local authorities by other statutes; provided, however, that in all instances the requirements contained in this chapter shall be considered as minimum.

444:6 Public Sewer Connections Excepted. Amend RSA 149-E: 3, IV (supp) as inserted by 1967, 147: 13 by striking out in line two the words "near any shoreline" so that said paragraph as amended shall read as follows:

IV. No plans and specifications shall be required whenever the proposed sewage or waste disposal system will be connected to any public sewer system operated by any municipality or other governmental body within the state.

444:7 Enforcement. Amend RSA 149-E: 6 (supp) as inserted by 1967, 147: 13 by striking out in line three the words "near any shoreline" so that said section as amended shall read as follows:

149-E: 6 Enforcement. Whenever it is found that a sewage or waste disposal system or any building from which waste is being discharged is being or has been constructed after the effective date of this chapter without prior approval of the commission, the commission shall issue an order to cease and desist such construction or use and shall notify the appropriate local authorities. Upon certification by the commission, local officials are hereby authorized and fully empowered to exercise concurrent jurisdiction in the enforcement of this chapter.

444:8 Effective Date. This act shall take effect July 1, 1971.

[Approved June 30, 1971.]

[Effective date July 1, 1971.]

CHAPTER 445.

AN ACT PROVIDING THAT IRRECONCILABLE DIFFERENCES SHALL BE
GROUNDS FOR DIVORCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

445:1 Irreconcilable Differences. Amend RSA 458 by inserting after section 7 the following new sections:

458:7-a [New] Absolute Divorce, Irreconcilable Differences. A divorce from the bonds of matrimony shall be decreed, irrespective of the fault of either party, on the ground of irreconcilable differences which have caused the irremediable breakdown of the marriage. In any pleading or

hearing of a libel for divorce under this section, allegations or evidence of specific acts of misconduct shall be improper and inadmissible, except where child custody is in issue and such evidence is relevant to establish that parental custody would be detrimental to the child or at a hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences. If, upon hearing of an action for divorce under this section, both parties are found to have committed an act or acts which justify a finding of irreconcilable differences, a divorce shall be decreed and the acts of one party shall not negate the acts of the other nor bar the divorce decree.

458:7-b [New] Reconciliation. Whenever, before or during a hearing but before a final decree, the court shall determine that there is a likelihood for rehabilitation of the marriage relationship, the court shall refer the parties to an appropriate counseling agency within its jurisdiction, which referral may be made according to RSA 167-B or as the parties request, with the approval of the court. If the court determines that there is a reasonable possibility of reconciliation, the court shall continue the proceedings and require that both parties submit to marriage counseling.

445:2 Insanity of Libelee. Amend RSA 458:12 by striking out said section and inserting in place thereof the following:

458:12 Insanity of Libelee. If the libelee is insane and has no legal guardian other than his spouse, the court may appoint a guardian to appear for and answer for the libelee. Although the insanity of the libelee may be considered by the court in determining whether a divorce should be granted, such insanity shall not constitute a defense to a libel for divorce. Where a decree of divorce has been entered and where it has been proven by competent medical testimony at the divorce hearing that the libelee was incurably insane at the time the libel for divorce was filed, the decree shall in no way relieve a spouse from any obligation imposed by law as a result of marriage to support the incurably insane spouse.

445:3 Provision for Temporary Orders. Amend RSA 458:16, as amended by striking out said section and inserting in place thereof the following:

458:16 Temporary Orders. After the filing of a libel for divorce, annulment or a decree of nullity, the superior court may issue orders with such conditions and limitations as the court deems just which may, at the discretion of the court, be made ex parte. Said orders may be to the following effect:

I. Enjoining any person from imposing any restraint upon the person or liberty of the other;

II. Enjoining any party from molesting or disturbing the peace of the other party;

III. Enjoining either party from entering the family dwelling or the dwelling of the other upon a showing that physical or emotional harm would otherwise result;

IV. Determining the temporary custody and maintenance of any minor children of the marriage as shall be deemed expedient for the benefit of the children;

V. Ordering a temporary allowance to be paid for the support of the other;

VI. Enjoining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, except in the usual course of business or for the necessities of life, and if such order is directed against a party, it may require him to notify the other party of any proposed extraordinary expenditures and to account to the court for all such extraordinary expenditures. If temporary orders are made ex parte, the party against whom the orders are issued may file a written request with the clerk of the superior court and request a hearing thereon. Such a hearing shall be held no later than five days after the request is received by the clerk for the county in which the libel for divorce, annulment or decree of nullity is filed.

445: 4 Change of Name. Amend RSA 458: 24 (supp) as amended by striking out the same and inserting in place thereof the following:

458: 24 Decree. In any proceeding under this chapter, except an action for legal separation, the court may, when a decree of divorce or nullity is made, restore the maiden or former name of the wife, regardless of whether a request therefor had been included in the libel.

445: 5 Limited Divorce. Amend RSA 458: 26 by striking out said section and inserting in place thereof the following:

458: 26 Legal Separation.

I. In any case in which a divorce might be decreed, the superior court, on petition of either party, may decree a legal separation of the parties, which separation shall have in all respects the effect of a divorce, except that the parties shall not thereby be made free to marry any third person and except as hereinafter provided.

II. A person concerning whom a legal separation has been decreed may, after a period of four years following the granting of the decree, file a motion to amend the decree to one of divorce and the court may then consider whether justice requires that such a change be made, provided that no such motion shall be granted unless the respondent has substantially complied with all orders made by the court pursuant to the decree of separation.

445: 6 Orders for Support in Cases Other than Divorce. Amend RSA 458: 31 as amended by striking out said section and inserting in place thereof the following:

458: 31 Orders for Support of Spouse. Whenever a husband fails, without justifiable cause to provide suitable support for his wife, or deserts her, or if the wife for justifiable cause is actually living apart from her husband, or if the husband is deserted by the wife, or is actually living apart from his wife for justifiable cause, the superior court, upon his or her petition, or if insane by his or her guardian or next friend, may issue orders which may at the discretion of the court be ex parte and which may grant such relief as provided for in RSA 458: 16. The domicile requirements of RSA 458: 4, 5 and 6 shall not apply to this section; and the court may grant relief hereunder to a nonresident plaintiff if the defendant is a resident of this state.

445: 7 Repeal. The following sections of RSA 458 are hereby repealed:

I. RSA 458: 8, relative to the existence of the cause for divorce at the time of filing;

II. RSA 458:30-a (supp) as inserted by 1969, 327:1, relative to the granting of absolute divorce after limited divorce.

445:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 446.

AN ACT RELATIVE TO GROUP LIFE INSURANCE PLANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

446:1 Policies to Employers. Amend RSA 408:15, (1), (d) by adding at the end of said paragraph the following:

No policy may be issued which provides insurance on any employee which together with any other insurance issued to such employee under any group life policy or policies issued to the employer or to the trustees of a fund established wholly or in part by the employer exceeds eighty thousand dollars.

446:2 Policies to Labor Unions. Amend RSA 408:15, (3), (d) by striking out said paragraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides insurance on any union member which together with any other insurance issued to such member under any group life insurance policies issued to the union exceeds eighty thousand dollars.

446:3 Policies to Trustees. Amend RSA 408:15, (4), (d) as inserted by 1955, 79:1 and amended by 1965, 254:1 by striking out said paragraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance issued to such person under any group life insurance policy or policies issued to the employers or any of them, or to the trustees of a fund established in whole or in part by the employers or any of them, exceeds eighty thousand dollars.

446:4 Policies to Nonprofit Industrial Associations; Number. Amend RSA 408:15, (5), (b) by striking out said paragraph and inserting in place thereof the following:

(b) The total number of insured employees must not be less than one hundred.

446:5 Policies to Nonprofit Industrial Associations; Amount. Amend RSA 408:15, (5), (e) as inserted by 1959, 190:1 and amended by 1963,

314:1 by striking out said paragraph and inserting in place thereof the following:

(e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the members of the association. No policy may be issued which provides insurance on any employee which together with any other insurance issued to such employee under any group life insurance policy or policies issued to the association exceeds eighty thousand dollars. Annual compensation may be determined in units of any amount not exceeding one thousand dollars each, and a fraction of any such unit may be treated as full unit for purposes of determining annual compensation under this section. Nothing in this section shall be construed to prohibit the issue of a policy or policies to replace a policy which is terminated wholly or to replace the terminated portion of a policy which is terminated partially, if the effective date of issue of the new policy or policies is the same as the effective date of termination of the policy or portion of a policy replaced, and if the total amount of life insurance on any employee determined in accordance with the provisions of the new policy or policies, does not exceed the amount determined in accordance with the provisions of the policy or portion of a policy replaced.

446:6 Policies Issued to Certain Associations. Amend RSA 408:15, (7), (d) as inserted by 1963, 99:1 and amended by 1967, 163:1 by striking out said paragraph and inserting in place thereof the following:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the members and shall in no event exceed eighty thousand dollars on any one employee.

446:7 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 447.

AN ACT EXEMPTING NASHUA FROM THE PAYMENT OF DEBT TIME LIMITATION PURSUANT TO CHANGING THE DATES OF THE FISCAL YEAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

447:1 Debt Time Limitation for Discharge not Applicable. Notwithstanding the provisions of RSA 31:94-d, the city of Nashua may exceed the nine year time limitation for the discharge of any debt incurred pursuant to the transition period resulting from the change of dates of its fiscal year.

447:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 448.

AN ACT PERMITTING BANKS TO SUSPEND BUSINESS DURING
EMERGENCIES AND FOR OTHER REASONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

448:1 Suspension of Banking Activities. Amend RSA by inserting after chapter 384-B the following new chapter:

CHAPTER 384-C [NEW]

SUSPENSION OF BANKING ACTIVITIES

384-C:1 Definitions. When appearing in this chapter:

I. "Commissioner" means the officer of this state appointed under the provisions of RSA 383:1 to exercise supervision over banks, and any other person lawfully exercising such powers.

II. "Bank" includes commercial banks, savings banks, trust companies, cooperative banks, credit unions, any branch or agency of a foreign banking organization, any person or association of persons lawfully carrying on the business of banking, whether incorporated or not, and, to the extent that the provisions hereof are not inconsistent with and do not infringe upon paramount federal law, also includes national banks.

III. "Officers" means the person or persons designated by the board of directors, board of trustees, or other governing body of a bank, to act for the bank in carrying out the provisions of this chapter or, in the absence of any such designation or of the officer or officers so designated, the president or any other officer currently in charge of the bank or of the office or offices in question.

IV. "Office" means any place at which a bank transacts its business or conducts operations related to its business.

V. "Emergency" means any condition or occurrence which may interfere physically with the conduct of normal business operations at one or more or all of the offices of a bank, or which poses an imminent or existing threat to the safety or security of persons or property, or both. Without limiting the generality of the foregoing, an emergency may arise as a result of any one or more of the following: fire, flood, earthquake, hurricanes, wind, rain, or snow storms, labor disputes and strikes, power failures, transportation failures, interruption of communication facilities, shortages of fuel, housing, food, transportation or labor, robbery or attempted robbery, actual or threatened enemy attack, epidemics or other catastrophes, riots, civil commotions, and other acts of lawlessness or violence, actual or threatened.

384-C:2 Power of the Commissioner.

I. The commissioner may, by proclamation, close all of the offices of all banks on any day or days designated, by proclamation of the president of the United States or the governor of this state, as a day or days of mourning, rejoicing, or other special observance.

384-C:3 Powers of Officers. Whenever the officers of a bank are of the opinion that an emergency exists, or is impending, which affects, or may affect, one or more or all of a bank's offices, they shall have the authority, in the reasonable and proper exercise of their discretion, to determine not to open any one or more or all of such offices on any business or banking day or, if having opened, to close any one or more or all of such offices dur-

ing the continuation of such emergency. The office or offices so closed shall remain closed until such time as the officers determine that the emergency has ended, and for such further time thereafter as may reasonably be required to reopen; however, in no case shall such office or offices remain closed for more than forty-eight consecutive hours, excluding other legal holidays, without requesting the approval of the commissioner.

384-C: 4 Effect of Closing. Any day on which a bank, or any one or more of its offices, is closed during all or any part of its normal banking hours pursuant to the authorization granted under this chapter shall be, with respect to such bank or, if not all of its offices are closed, then with respect to any office or offices which are closed, a legal holiday for all purposes with respect to any banking business of any character. No liability, or loss of rights of any kind, on the part of any bank, or director, officer, or employee thereof, shall accrue or result by virtue of any closing authorized by this chapter.

384-C: 5 Effect on Existing Statutes. The provisions of this chapter shall be construed and applied as being in addition to, and not in substitution for or limitation of, any other law of this state or of the United States, authorizing the closing of a bank or excusing the delay by a bank in the performance of its duties and obligations because of emergencies or conditions beyond the bank's control, or otherwise.

448: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 449.

AN ACT RELATIVE TO RECORDING INSTRUMENTS WITH THE REGISTER OF DEEDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

449: 1 Recording with Register of Deeds. Amend RSA 478: 4 by striking out said section and inserting in place thereof the following:

478: 4 Recording. The register of deeds shall receive, file and record, for the legal charges, all original deeds and instruments brought for that purpose; and shall furnish certificates or copies thereof when required. All documents submitted for recording in each registry of deeds should be on material, with markings, and of a size, to insure suitable, permanent recording thereof.

449: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 450.

AN ACT RELATIVE TO THE HOURS OF EMPLOYMENT FOR FEMALE
LABORATORY TECHNICIANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

450:1 Extending Hours of Employment of Female Laboratory Technicians. Amend RSA 275: 15 by striking out said section and inserting in place thereof the following:

275: 15 Females; Minors. No female, or minor under eighteen years of age, shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than ten hours in any one day, or more than forty-eight hours in any one week. No female, or minor under eighteen years of age, shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection therewith and incidental thereto, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than ten and one-quarter hours in any one day, or more than fifty-four hours in any one week. Notwithstanding the provisions of this section the limitations on employment contained therein shall not apply to female paramedical personnel employed by licensed hospitals.

450:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 451.AN ACT RELATIVE TO REPAIR OF DAMAGE TO BRIDGES IN
THORNTON AND WOODSTOCK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

451:1 Repair of Bridges. The department of public works and highways is hereby authorized to reconstruct or replace, as determined by the commissioner of public works and highways to be appropriate, the following bridges damaged under unusual circumstances: In the town of Thornton, on the Cross Road, bridge # 172/076 over the Pemigewasset river; in the town of Woodstock, bridge # 197/088 over the Pemigewasset river, also bridge # 205/078 on N.H. route 175 over Eastman brook. The town's share of costs incurred pursuant to this section, after deducting the value of one-eighth of one percent of its assessed valuation plus the value of one years town road aid funds as required in RSA 241: 13, shall be one-eighth of the remaining cost of the bridge reconstruction or replacement.

451:2 Appropriation. There is hereby appropriated the sum of one million dollars for the purposes of this act. Said appropriation shall be a charge against the highway fund.

451:3 Bond Issue Authorized. To provide funds for the purpose of this act the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding one million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund.

451:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 452.

AN ACT PROVIDING THAT SCHOOL DISTRICTS MAY IN BORROWING
INCLUDE THE COST OF PLANNING FOR CONSTRUCTION.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

452:1 Planning Costs in Construction of School Buildings. Amend RSA 198:15-b (supp) as amended by 1955, 335:9; 1957, 301:1; 1963, 277:3; 1965, 150:2; 1967, 362:4, 399:1, 449:3 and 1969, 347:4 by inserting in line twenty-seven after the word "site" the word (planning) so that said section as amended shall read as follows:

198:15-b Amount of Annual Grant. The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to thirty per cent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and supervisory union facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of forty per cent for the construction of an educational administration building for supervisory union, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be forty per cent plus five per cent for each pre-existing district in excess of two and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of fifty-five per cent. For the purposes of computing grants hereunder the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve and/or amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or supervisory union facilities. If the project was entirely financed by the use of capital reserve or amounts raised by taxation, the aid provided herein shall be paid in ten equal annual grants. For the purposes of this subdivision construction shall include the acquisition and development of the site, plan-

ning construction of a new building and/or additions to existing buildings including alterations providing additional pupil capacity, architectural and engineering fees, purchase of equipment and any other costs necessary for the completion of the building as approved by the state board of education; and purchase of school buildings shall include the acquisition and improvement of land in connection therewith and the remodeling, altering, repairing, equipping and furnishing of such buildings as approved by the state board of education.

452:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 453.

AN ACT RELATIVE TO THE ISSUANCE OF PROPERTY, LIABILITY, AND AUTOMOBILE INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

453:1 New Chapter. Amend RSA by inserting after chapter 417-A (supp) the following new chapter:

CHAPTER 417-B [NEW]

CANCELLATION, REFUSAL TO WRITE, REFUSAL TO RENEW CERTAIN PROPERTY AND LIABILITY INSURANCE

417-B:1 Application of Chapter. This chapter shall apply to policies of insurance other than automobile insurance and workmen's compensation insurance on risks located or residents in this state which insure any of the following contingencies:

I. Loss of or damage to real property which is used predominantly for residential purposes, and which consists of not more than four dwelling units.

II. Loss of or damage to personal property owned by natural persons except personal property used in the conduct of a commercial or industrial enterprise.

III. Legal liability of a natural person or persons for loss of, damage to, or injury to, persons or property, but not including policies primarily insuring risks arising from the conduct of a commercial or industrial enterprise.

417-B:2 Cancellation; Refusal to Write; Refusal to Renew; Insufficient Grounds. No insurer shall cancel or refuse to write or renew a policy of insurance insuring against any of the contingencies set forth in RSA 417-B:1 solely because of the age, residence, race, color, creed, national origin, ancestry, marital status, or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured.

417-B: 3 Cancellation Grounds. No insurer, after a policy has been in effect for sixty days, or if a policy is a renewal, effective immediately, shall cancel a policy except for one or more of the following reasons:

I. Nonpayment of premium, including nonpayment of any additional premiums, calculated in accordance with the current rating manual of the insurer, justified by a physical change in the insured property or a change in its occupancy or use.

II. Conviction of the named insurer of a crime having as one of its necessary elements an act increasing any hazard insured against.

III. Discovery of fraud or material misrepresentation by the named insured in pursuing a claim under the policy.

IV. Discovery of grossly negligent acts or omissions by the insured substantially increasing any of the hazards insured against.

V. Physical changes in the insured property which result in the property becoming uninsurable.

VI. Specific request of the insured.

417-B: 4 Cancellation; Refusal to Renew; Notice. No cancellation or refusal to renew by an insurer of a policy of insurance insuring against any of the contingencies set forth in section 1 shall be effective unless the insurer shall deliver or mail, to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew. Such notice shall:

I. State the date, not less than forty-five days after the date of such mailing or delivery on which such cancellation or refusal to renew shall become effective, except that such effective date may be ten days from the date of mailing or delivery;

(a) When the policy is being cancelled or not renewed for nonpayment of premium; or

(b) When the policy is being cancelled within sixty days of its effective date provided such policy is not a renewal.

II. State the specific reason or reasons of the insurer for cancellation or refusal to renew or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than ten days prior to the effective date of cancellation or refusal to renew, the insurer will specify the reason or reasons for such cancellation, or refusal to renew. The insurer shall supply such information within five days of receipt by it of such request.

III. Any policy written for a term of less than one year shall be considered as if written for a term of one year. Any policy written for a term longer than one year, or any policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

417-B: 5 Liability of Giving Information. There shall be no liability on the part of, and no cause of action of any nature shall arise against the insurance commissioner, any insurer, the authorized representatives, agents, and employees of either for any statement made by any of them in complying with this chapter or for the providing of information pertaining thereto.

417-B: 6 Rules and Regulations. The commissioner may issue such rules, regulations, and orders as may be necessary to carry out the purposes and provisions of this chapter.

417-B: 7 Penalty; Severability; Records.

I. Failure by an insurer to comply with any section of this chapter, or rules, regulations and orders issued pursuant thereto shall subject an insurer to a fine not exceeding five hundred dollars in the discretion of the insurance commissioner, or suspension or revocation of such insurer's license, or both.

II. If any provisions or clause of this chapter or application thereof to any person or situation is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

III. The insurance commissioner may require that each insurer shall maintain records of the numbers of cancellations and refusals to write or renew policies and the reasons therefore and shall supply to the insurance commissioner such information as he may request.

453: 2 Definition Revised. Amend RSA 412 by inserting after section 18-b the following new section:

412: 18-c [New] Definition. Accident as used in any automobile insurance rate manual means any occurrence during the experience period involving the applicant, or any operator of the automobile currently a resident in the same household while operating any private passenger type automobile which resulted in bodily injury in excess of fifty dollars or death or which resulted in damage to any property, including his own in excess of three hundred dollars.

453: 3 Cancellation; Refusal; Refusal to Renew; Insufficient Grounds. Amend RSA 417-A: 3 (supp) as inserted by 1969, 487: 1 by striking out said section and inserting in place thereof the following:

417-A: 3 Cancellation; Refusal to Write; Refusal to Renew; Insufficient Grounds. No insurer shall cancel, refuse to write or refuse to renew a policy of automobile insurance on any person with at least two years' driving experience solely because of the age, residence, race, color, creed, national origin, ancestry, marital status or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured.

453: 4 Cancellation; Refusal to Renew; Notice. Amend RSA 417-A: 5, II (supp) as inserted by 1969, 487: 1 by striking out said section and inserting in place thereof the following:

II. State the date, not less than forty-five days after the date of such mailing or delivery on which such cancellation or refusal to renew shall become effective, except that such effective date may be ten days from the date of mailing or delivery:

(a) When the policy is being cancelled or not renewed for nonpayment of premium; or

(b) When the policy is being cancelled within sixty days of its effective date, provided such is not a renewal.

453: 5 Penalties. Amend RSA 417-A: 10, I (supp) as inserted by 1969, 487: 1 by striking out said paragraph and inserting in place thereof the following:

I. Failure by an insurer to comply with any section of this chapter, or rules, regulations, and orders issued pursuant thereto shall subject an insurer to a fine not exceeding five hundred dollars in the discretion of the insurance commissioner, or suspension or revocation of such insurers license, or both.

453:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 454.

AN ACT PERMITTING ANY TOWN TO ACCOUNT ON A FISCAL YEAR BASIS AND PERMITTING SEMI-ANNUAL TAX COLLECTION IN ALL TOWNS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

454:1 Limitation Removed. Amend RSA 31:94-a (supp) as inserted by 1969, 497:1 by striking out said section and inserting in place thereof the following:

31:94-a Optional Fiscal Year. Cities and towns and counties, may adopt a single eighteen month accounting period running from January first of the calendar year following adoption and ending June thirtieth of the next following year. Thereafter, accounting periods for such towns, cities, and counties shall run from July first to June thirtieth of the following year.

454:2 Accounts Required. Amend RSA 71:25 by striking out said section and inserting in place thereof the following:

71:25 Financial Reports of Municipalities. Accounting officers shall return financial reports to the division of municipal accounting on forms prescribed by the division showing the summary of receipts and expenditures, according to the uniform classifications, during the preceding calendar year and a balance sheet showing assets and liabilities at the close thereof. Said reports shall be submitted: (a) on or before March first if the town accounts on a calendar year basis or (b) on or before September first if the town accounts on a fiscal year basis pursuant to RSA 31:94-a. Such accounting officers shall also furnish at other times such information as the commission may require. The information contained in said financial reports shall be tabulated and included as a part of the annual report of the tax commission.

454:3 Semi-Annual Tax Collection. Amend RSA 76:15-a (supp) as inserted by 1969, 497:2 by striking out said section and inserting in place thereof the following:

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in section 15-b. A partial payment of the taxes assessed on April first in any tax year equal to one-half of the total taxes assessed for the previous tax year shall be

due and payable on July first of the present tax year. A payment of the remainder of the taxes assessed on April first in the present tax year, equal to the total tax assessed on April first, minus the payment due on July first of that year shall be due and payable December first. Interest at the rate of six percent shall be charged on all taxes not paid between July first and December first. Interest charges after December first shall be in the amount prescribed in RSA 76: 13.

454: 4 Option. Amend RSA 76: 15-b as inserted by 1969, 497: 2 by striking out in lines two, three and four the words "with a population greater than ten thousand, according to the last official census" so that said section as amended shall read as follows:

76: 15-b Local Option. Other provisions of law to the contrary notwithstanding, taxes shall be collected in any town or city in a manner pursuant to section 15-a if said town or city, by majority vote of the governing body, adopts the provisions thereof. A town or city which adopts the provisions of section 15-a may rescind said adoption by majority vote of the governing body, and the general statutes relating to collection of taxes shall once again apply.

454: 5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 455.

AN ACT PROVIDING FOR THE DESIGNATION OF SCENIC ROADS AND RELATIVE TO TOWN ROAD AID.

Be it Enacted by the Senate and House of Representatives in General Court convened:

455: 1 Designation of Scenic Roads. Amend RSA 253 by inserting after section 16 the following new subdivision:

Scenic Roads [New]

253: 17 Scenic Roads; Designation. Upon recommendations or request of the planning board, conservation commission, historical commission of any town, or upon the petition of any ten voters of such town, the voters thereof at any annual or special meeting, may designate any roads in said town, other than class I or class II highways, as scenic roads.

253: 18 Effect of Designation as Scenic Roads.

I. RESTRICTIONS ON WORK. Upon a road being designated as a scenic road as provided in RSA 253: 17, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or if there be no planning board, the selectmen of any town, after a public hearing duly advertised as to time, date, place and purpose.

two times in a newspaper of general circulation in the area, the last publication to occur at least seven days prior to such hearing.

II. TOWN ROAD AID. Designation of a road as scenic shall not affect the eligibility of the town to receive construction or reconstruction aid pursuant to the provisions of RSA 241 for such road. Any application by the selectmen of a town for such aid for a scenic road shall include a request to the commissioner of public works and highways to suspend operation of specifications as provided in RSA 241: 7, I.

455: 2 Exemptions from Specifications for Scenic Roads. Amend RSA 241: 7 by striking out said section and inserting in place thereof the following:

241: 7 Joint Fund Expenditure. Any contribution by a city, town or unincorporated place shall be remitted to the commissioner before any project is begun. Any such contribution shall be combined with any amount apportioned by the commissioner to the city, town or unincorporated place and shall thereafter constitute a joint fund. Said joint fund shall be expended under the supervision of and in accordance with specifications furnished by the commissioner; provided,

I. That upon application of the governing board of any town, city, or unincorporated place the commissioner shall suspend operation of such specifications for expenditures made for roads designated scenic under the provisions of RSA 253: 17 and RSA 253: 18; and further provided

II. That when projects are within the compact area, the city or town shall remit to the commissioner such part of its contribution as he shall determine, before preliminary engineering is begun.

455: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 456.

AN ACT RELATIVE TO THE JUDICIAL PROCESS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

456: 1 Minimums Increased. Amend RSA 268: 1, VII (supp) as amended by 1955, 76: 1 and 1969, 316: 1 by striking out in line fifteen the word "fifteen" and inserting in place thereof the word (twenty); by striking out in line seventeen the word "thirty" and inserting in place thereof the word (forty) so that said paragraph as amended shall read as follows:

VII. "Motor Vehicle Liability Policy", a policy of liability insurance which provides: (a) indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer, or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death

at any time resulting therefrom, accidentally sustained during the term of said policy by any person other than the insured, or employees of the insured actually operating the motor vehicle or such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least twenty thousand dollars on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least forty thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of at least five thousand dollars for damage to property of others, as herein provided, or a binder pending the issue of such a policy or an endorsement to an existing policy, as defined in sections 15, 16, and 18, and (b) which further provides indemnity for or protection to the named insured and to the spouse of such named insured as insured if a resident of the same household, or the private chauffeur or domestic servant acting within the scope of the employment of any such insured with respect to the presence of any such insured in any other motor vehicle, from liability as a result of accidents which occur in New Hampshire due to the operation of any motor vehicle, trailer, or semi-trailer not owned in whole or in part by such insured, provided, however, the insurance afforded under this subparagraph (b) applies only if no other valid and collectible insurance is available to the insured.

456:2 Satisfaction of Judgment for Injury to One Person. Amend RSA 268: 10, I (supp) as amended by 1955, 76: 2 and by 1969, 316: 2 by striking out in line one the word "fifteen" and inserting in place thereof the word (twenty), so that said paragraph as amended shall read as follows:

I. When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

456:3 Satisfaction of Judgment for Injury to Two or More Persons. Amend RSA 268: 10, II (supp) as amended by 1955, 76: 2 and by 1969, 316: 3 by striking out in line one the word "fifteen" and inserting in place thereof the word (twenty) and by striking out in line two the word "thirty" and inserting in place thereof the word (forty) so that said paragraph as amended shall read as follows:

II. When, subject to such limit of twenty thousand dollars because of bodily injury to or death of one person the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

456:4 Limits Increased. Amend RSA 268: 19 (supp) as amended by 1955, 76: 3 and by 1969, 316: 4 by striking out in line five the word "fifteen" and inserting in place thereof the word (twenty) and by striking out in line seven the word "thirty" and inserting in place thereof the word (forty) so that said section as amended shall read as follows:

268: 19 Amount of Proof of Financial Responsibility. Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, as a result of accidents which occur in New Hampshire, arising out of the ownership, maintenance, control, or use of a

motor vehicle, trailer, or semi-trailer in the amount of twenty thousand dollars because of bodily injury or death to any one person; and subject to said limit respecting one person, in the amount of forty thousand dollars because of bodily injury to or death to two or more persons in any one accident, and in the amount of five thousand dollars because of injury to and destruction of property in any one accident. Whenever required under this chapter such proof in such amounts shall be furnished for each motor vehicle, trailer or semi-trailer registered by such person.

456:5 Judicial Council Members. Amend RSA 494:2 (supp) as amended by 1969, 395:2 by striking out said section and inserting in place thereof the following:

494:2 Appointment and Tenure of Office. The term of each member except the attorney general and the president of the New Hampshire Bar Association shall be for three years and until his successor is appointed and qualified. However, whenever any member shall attain the age of seventy years, the office held by him shall become vacant and such vacancy shall be filled accordingly to law, provided, however, that this age limitation shall not apply to anyone who was a member as of January 1, 1971 and who had attained the age of seventy years as of such date. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. The attorney general and the president of the New Hampshire Bar Association shall be members ex officio.

456:6 Payment of Claims. Amend RSA by inserting after chapter 508-A the following new chapter:

CHAPTER 508-B [NEW]

PROCEDURE FOR ADVANCE PAYMENT ON CLAIMS FOR DAMAGES FOR BODILY INJURY, DEATH OR PROPERTY DAMAGE

508-B:1 Payment: Not to Imply Liability. No advance payment or partial payment of damages made by any person, or made by his insurer under liability insurance, as an accommodation to an injured person or on his behalf to others or to the heirs at law or dependents of a deceased person, because of a personal injury or death claim or potential claim against any person or insured shall be construed as an admission of liability by the person claimed against, or as a recognition by such person or by his insurer of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall, however, constitute a credit against and be deducted from any final settlement made or judgment rendered with respect to such injured or deceased person which does not expressly provide to the contrary.

508-B:2 Duty of Person Making Payment. Any person, including any insurer, who makes an advance or partial payment as described in RSA 508-B:1 shall at the time of beginning payment notify the recipient thereof in writing:

I. That the payment is not any assurance that a final settlement of the claim will be made.

II. That the period of time in which the recipient may bring an action against such person is limited by law, and what the applicable limitation period is and when it will expire.

508-B: 3 Statute of Limitations Tolloed by Failure to Provide Notice. Failure to provide the written notice required by RSA 508-B: 2 shall operate to toll the applicable statute of limitations from the time of such advance or partial payment until such written notice is actually given.

456: 7 Superior Court Judges. Amend RSA 491: 1 (supp) as amended by 1963, 260: 1 and 1969, 453: 1 by striking out said section and inserting in place thereof the following:

491: 1 Justices. The superior court shall consist of a chief justice and a sufficient number of associate justices so that the total number of justices, including the chief justice, shall equal the sum attained by dividing the current population of New Hampshire, as determined by the most recently published Statistical Abstract of the United States, by the number sixty thousand; provided that no justice once appointed shall be removed from office due to a decrease in population. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided. The court shall, in addition, include any justices who have been retired from active service due to permanent disability.

456: 8 Unsolicited Merchandise. Amend RSA 339 by inserting after section 2 the following new subdivision:

Unsolicited Merchandise [New]

339: 2-a Duty of Receiver. Any person to whom unsolicited merchandise is addressed, may refuse delivery, or accept the merchandise as a gift, without incurring any legal obligation to the sender.

456: 9 Repeal. RSA 500 relative to jurors is hereby repealed.

456: 10 New Chapter. Amend RSA by inserting after chapter 500 the following new chapter:

CHAPTER 500-A [NEW]

JURORS

500-A: 1 Definitions. As used in this chapter the words shall have the following meanings:

- I. "Towns" shall mean towns and city wards.
- II. "Clerk" shall mean the clerk of superior court in each county or any of his deputies.
- III. "Selectmen" shall mean selectmen in towns and city wards.

500-A: 2 Town Lists. The selectmen shall annually in May make a list in duplicate of such men and women, including their address, as they judge eligible to serve as jurors. One list shall be delivered to the clerk of superior court not later than the first Monday in June, the other list shall be retained by the town or city clerk. Provided, however, that any woman who has care of one, or more children under the age of twelve years shall, if she so desires be exempt from jury duty.

500-A: 3 Number of Names. The lists shall contain the names of two persons for every one hundred inhabitants.

500-A: 4 Exemptions. The governor, secretary and treasurer of the state, judges and clerks of court, registers of deeds and probate, sheriffs and their deputies, attorneys-at-law, practicing physicians and surgeons,

firemen, and policemen, are exempt from serving as jurors, and their names shall not be placed on the list.

500-A: 5 Revision of List. The clerk shall annually in April send to the town or city clerks an attested copy of the jury lists from the respective towns and wards indicating all men and women drawn for jury duty from said list. If for any reason additional jurors are needed, the selectmen, upon notice from the clerk shall revise the list as required to be done in May and return the revised list to the clerk forthwith.

500-A: 6 Attendance. Grand and petit jurors shall attend the terms of the superior court, and they may be summoned at the discretion of the court during its session.

500-A: 7 Court Orders. The court shall direct the number of jurors to be summoned, and from what towns, so that each may furnish its proportion of jurors in each year.

500-A: 8 Drawing. The clerk shall draw the names of persons required by the court for service on the petit and grand jury.

500-A: 9 Further Drawing. If any person whose name is so drawn is dead, insane or disabled by sickness, or has removed from town, the clerk shall draw another name.

500-A: 10 Return; Future Ineligibility. The persons drawn and who actually attend court as jurors shall not have their names again placed on the list for six years.

500-A: 11 Notice to Jurors. The clerk shall give to each juror a notice in writing of his selection as a juror and of the day and time he is to appear.

500-A: 12 Penalty for Neglect of Juror. Any person, without sufficient cause, neglecting to attend court after being selected as a juror and duly notified to so attend may be found in contempt of court.

500-A: 13 Misfeasance of Selectmen. If any selectman willfully neglects to perform any duty required by this chapter, or puts upon the list the name of a person at his or her own request, or on the request of any other person, or is guilty of any fraud or collusion with respect to the preparation of the list, he may be fined not more than one hundred dollars.

500-A: 14 Talesmen. The sheriff or other officer, under the direction of the court may return jurors of the persons present.

500-A: 15 Oath. The oath to be administered to jurors in civil cases shall be as follows:

You swear that, in all cases between party and party that shall be committed to you, you will give a true verdict, according to law and evidence given you. So help you God.

500-A: 16 Compensation of Jurors. Grand and petit jurors shall be paid by the county for each day or part of a day which is spent in actual attendance at court, fifteen dollars each; for travel to and from court each day, each mile ten cents; talesmen shall receive compensation and allowances for travel and expenses in the same manner and amount as grand and petit jurors.

500-A: 17 Parking for Jurors. Every juror, while in attendance at superior court or United States district court shall be allowed free parking in any city or town where such court is sitting. The clerks of court shall furnish to each juror an identification card for display through the windshield of the juror's car. At the cessation of court the juror shall return his identification card to the clerk of court. The form, shape and color of said identification card and also the information to be contained thereon is to be approved by the director, division of motor vehicles. No juror shall use any area limited to fifteen minutes of parking or less.

500-A: 18 Parties. No person shall serve as a petit juror at a term of court at which he has a cause pending which may be tried by the jury at that term, but he shall be discharged from service as a juror.

500-A: 19 Exemption for Age. If any person of the age of seventy years or over is selected as a juror he may at his discretion file with the court a written statement prior to the convening of court to the effect that he does not wish to act as a juror and he shall be discharged and another juror may be drawn in his stead.

500-A: 20 Discharge by Court. If any person selected and attending court as a juror is exempt from service as a juror or is deemed by the court unfit, either mentally or physically, or other sufficient cause to act as a juror he shall be discharged, and another juror may be drawn from the same town or ward.

500-A: 21 Exemption on Ground of Other Public Duties. If any member of the general court or delegate to a constitutional convention is selected as a juror during any time when the general court or a constitutional convention is in session he may file with the court a written statement to the effect that he does not wish to act as a juror and he shall be discharged and another juror may be drawn in his stead from the same town or ward.

500-A: 22 Examination. Any juror may be required by the court, on motion of a party in the cause to be tried, to answer upon oath whether he expects to gain or lose by the issue of the cause; whether he is related to either party; whether he has advised or assisted either party; or directly or indirectly given his opinion or has formed an opinion; whether he is sensible of any prejudice in the cause; or whether any one of the counsel in the cause is employed by him in any action then pending in said court. If it appears that any juror is not indifferent he shall be set aside on that trial.

500-A: 23 Alternate Juror. In the trial in the superior court of any case, civil or criminal, when it appears to the presiding justice that the trial is likely to be protracted, upon direction of the presiding justice after the jury has been duly impaneled and sworn, additional or alternate jurors may be selected and said alternates shall be drawn and selected in the same manner as the regular jurors in said case were selected, but each party shall be entitled to one peremptory challenge as to each alternate juror, such additional or alternate jurors shall likewise be sworn and seated near the jury, with equal opportunity for seeing and hearing the proceedings and shall attend at all times upon the trial with the jury and shall obey all orders and admonitions of the court to the jury and, when the jurors

are ordered kept together in any case, said alternate jurors shall be kept with them. Said alternate jurors shall be liable as a regular juror for failure to attend the trial or to obey any order or admonition of the court to the jury, shall receive the same compensation as other jurors and except as hereinafter provided shall be discharged upon final submission of the case to the jury. If before the final submission of the case to the jury one or more jurors become incapacitated or disqualified or dies, his place shall be taken upon the order of the court, by an alternate juror who shall become one of the jury and serve in all respects as though selected as an original juror.

456: 11 Joint Tortfeasors. Amend RSA 507 by inserting after section 7-a the following new sections:

507: 7-b [New] Release or Covenant Not to Sue: Joint Tortfeasors. When a release or covenant not to sue is given in good faith to one of two or more persons liable in tort for the same injury to person or property or for the same wrongful death, it does not discharge any of the other tortfeasors from liability for the injury or wrongful death unless its terms expressly so provide; but it reduces the claim against the others in the amount of the consideration paid for it.

507: 7-c [New] Inadmissible Evidence; Post Verdict Procedure. Evidence of a settlement with, or the giving of a release or covenant not to sue to, one or more persons liable in tort for the same injury to person or property or for the same wrongful death shall not be introduced in evidence in a subsequent trial by jury of an action against any other tortfeasor to recover damages for the injury or wrongful death. Upon the return of a verdict by the jury, the court shall inquire of the attorneys for the parties the amount of the consideration paid for any settlement, release or covenant not to sue, and shall reduce the verdict by that amount.

456: 12 Frivolous Appeals. Amend RSA 490 by adding after section 14 the following new section:

490: 14-a [New] Penalties for Frivolous Appeals. If upon the hearing of any appeal, reserved case or bill of exceptions; it clearly appears that the appeal, reserved case or bill of exceptions is frivolous; immaterial or intended for delay, then the court, upon motion of a party or its own motion, may award against the moving party double the amount of the costs incurred by the prevailing party beginning with the entry of the appeal, reserved case or bill of exceptions, and also interest at the rate of twelve percent per annum on any amount which has been previously found due or for which a verdict has been recovered or which the moving party has been ordered to pay.

456: 13 Memorandum Opinions. Amend RSA 490: 15 by striking out the same and inserting in place thereof the following:

490: 15 Opinions; Notice. The justices shall file with the clerk a written opinion in every case decided by them. In cases deemed by the justices of minor importance, they may file opinions in memorandum form, with or without the assignment of reasons. The clerk shall at once notify the parties or their counsel, by mail, of the order made. No order of the court for a final disposition of a case pending therein shall be valid and binding until an opinion or memorandum opinion has been filed.

456:14 Effective Date. Sections 1 through 5, inclusive, and sections 9 and 10 hereof, shall take effect on January 1, 1972. All other sections of this act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date. Sections 1 through 5, inclusive, and sections 9 and 10 shall take effect on January 1, 1972. All other sections of act shall take effect August 29, 1971.]

CHAPTER 457.

AN ACT ESTABLISHING A PERMANENT PROBATION OFFICE IN MUNICIPALITIES WITH POPULATION OVER FIFTY THOUSAND PERSONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

457:1 Probation Office for Certain Municipalities. Amend RSA 504:13 by inserting in line five after the word "board" the words (The board shall establish a permanent full-time probation office in any municipality with a population of over fifty thousand persons, if all facilities for the operation of such an office are provided by the municipality or county) so that said section as amended shall read as follows:

504:13 Selection and Assignment. State probation officers shall be appointed by the board upon recommendation of the director, subject to the regulations of the state personnel system. Such officers shall be assigned to and reside in counties or districts of the state to be designated by the board. The board shall establish a permanent full-time probation office in any municipality with a population of over fifty thousand persons, if all facilities for the operation of such an office are provided by the municipality or county. Municipal courts in towns and cities having a population of over fifty thousand shall and other courts may appoint one or more qualified probation officers for their respective courts. No municipal probation officer shall qualify for office until his appointment thereto has been approved by the board and all such officers shall be subject to supervision by the board and each shall hold his office during the pleasure of the board.

457:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 458.

AN ACT RELATIVE TO THE PHARMACY BOARD AND THE FEES PAYABLE THERETO.

Be it Enacted by the Senate and House of Representatives in General Court convened:

458:1 Examination and Registration Fees. Amend RSA 318:24 (supp) as amended by 1963, 83: 4 and 1967, 191: 2 by inserting in line two

after the word "dollars" the words (and the cost of standard examination forms available from the national association of boards of pharmacy) so that said section as amended shall read as follows:

318:24 Fees. Each applicant for a registered pharmacist's certificate shall pay an examination fee of twenty-five dollars and the cost of standard examination forms available from the national association of boards of pharmacy. Applicants for reciprocal registration as registered pharmacists, in addition to the fee covering costs of investigation, shall pay a fee of thirty-five dollars.

458:2 Re-registration of Pharmacists. Amend RSA 318:25 as amended by 1955, 241:3 and 1963, 83:5 by striking out in line four the word "ten" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows:

318:25 Re-registration. Every registered pharmacist and holder of reciprocity certificate who desires to continue the business of apothecary and druggist shall re-register, annually as of January first and shall pay a fee of twenty dollars. When making application for such re-registration the applicant shall give his place of residence and employment, whether as proprietor or employee, and any change of location or employment shall be reported to the secretary of the board within fifteen days.

458:3 Failure to Report Change of Location. Amend RSA 318:26 by striking out in line four the word "two" and inserting in place thereof the word (ten) so that said section as amended shall read as follows:

318:26 Failure to Report. For failure to report such change of location or employment the commission may in its discretion suspend such certificate of registration, reinstatement to be made only upon the payment of ten dollars.

458:4 Suspension for Failure to Re-register. Amend RSA 318:27 by striking out in line three the word "ten" and inserting in place thereof the words (twenty-five) so that said section as amended shall read as follows:

318:27 Failure to Re-register. For failure to re-register within sixty days the commission may suspend such certificate of registration, and the holder shall not be entitled to reinstatement until twenty-five dollars, together with any sum in arrears, shall have been paid. Before acting upon such suspension, a notice of the proposed action shall be sent by registered mail to the last known address of the registrant, at least thirty days prior to such action.

458:5 Compilation of Pharmaceutical Information. Amend RSA 318:36 by striking out in line two the word "fifty" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows:

318:36 Information. The commission, at an expense not to exceed one hundred dollars a year, may subscribe for and secure the service of an association engaged in the compilation of pharmaceutical information, knowledge and progress, specially adapted to secure efficiency in the work of the commission.

458:6 Retail Permit Fees. Amend RSA 318:38 (supp) as amended by 1955, 241:4; 1963, 83:6 and 1967, 191:1 by striking out in line nine the

words "twenty-five" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows:

318:38 Permit; Fee. The board shall upon application issue a permit to maintain a store for the sale at retail of drugs and medicines to such persons, firms, or corporations as they may deem to be qualified to conduct such a store, such permit to be known as a retail drug store permit, for the compounding of medicines upon physicians' prescriptions, and for the manufacture, sale, and distribution of drugs, medicines, and poisons, such place of business to be under the direct supervision of a registered pharmacist. The fee for such original permit shall be one hundred dollars and the fee for each renewal thereof shall be fifty dollars. The holder of a retail drug store permit may keep his store open at all hours for the sale of drugs and medicines. The permit shall expire on January first following the date of issue.

458:7 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 459.

AN ACT PROVIDING FOR A UNIFIED COURT SYSTEM FOR NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

459:1 Unified Court System. Amend RSA by inserting after chapter 490 the following new chapter:

CHAPTER 490-A [NEW]

UNIFIED COURT SYSTEM

490-A:1 Statement of Purpose. It is the intention of the legislature and the purpose of this chapter to improve the administration of justice and the efficient operation of all the courts in this state through the establishment of a unified court system in New Hampshire.

490-A:2 Chief Justices of the Supreme and Superior Courts. The chief justice of the supreme court, with the advice and consent of the chief justice of the superior court in respect to all matters affecting the superior court, shall be responsible for supervising the efficient operation of all courts in New Hampshire. In meeting this responsibility, the chief justices shall receive the advice and cooperation of all persons and bodies interested in the administration of justice, including, but not limited to, the justices of all courts in New Hampshire, the judicial council, the administrative committee of the district and municipal courts, the administrative committee of probate courts, the New Hampshire probate judges association, the New Hampshire superior court clerks association, the court accreditation commission, the New Hampshire Bar Association, and all county and local bar associations.

490-A:3 Authority Granted.

I. The chief justice of the supreme court, with the advice and consent of the chief justice of the superior court in respect to all matters affecting the superior court, shall have the duties, power and authority to:

(a) Issue rules to provide for the expeditious disposition of all litigated matters, not inconsistent with any rules adopted pursuant to RSA 490: 4 and RSA 491: 10;

(b) Recommend provisions for adequate staff and personnel, including court administrators and stenographers, to meet increasing case loads;

(c) Recommend in formal oral or written address to each session of the general court such legislation as he deems necessary to improve the administration of justice in New Hampshire;

(d) Issue rules requiring the keeping of regular records as to the number, nature, and disposition of all matters handled by each judge at each level of the court system;

(e) Supervise and direct the work of the court accreditation commission;

(f) Issue such other rules as may be necessary for the improvement of the administration of justice, not inconsistent with any rules adopted pursuant to RSA 490: 4 and RSA 491: 10.

II. In carrying out the duties imposed by paragraph I, the chief justices may seek the advice and assistance of all persons and bodies interested in the administration of justice in New Hampshire, including but not limited to, those listed in RSA 490-A: 2.

459: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 460.

AN ACT RELATIVE TO THE WORKWEEK AND OVERTIME PAY FOR THE STATE POLICE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

460: 1 Law Enforcement Employees. Amend RSA 99: 2, c, by striking out said paragraph and inserting in place thereof the following:

c. To the annual salary of those law enforcement employees regularly working forty-eight hours or more per week shall be added compensation equivalent to four hours per week or two hundred eight hours per year. Law enforcement employees shall include motor vehicle inspectors, liquor investigators and conservation officers.

460: 2 State Police Compensation. Amend RSA 99: 2 by inserting after paragraph e the following new paragraph:

f. The standard workweek for trooper trainees, troopers, corporals, corporal technicians, sergeants, detective sergeants, lieutenants, captains and majors employed by the division of state police shall be a basic forty hour week. To the annual salary of such employees shall be added compensation equivalent to eight hours per week or four hundred sixteen hours per year.

460: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1971.]

[Effective date August 29, 1971.]

CHAPTER 461.

JOINT RESOLUTION APPROPRIATING ADDITIONAL MONEY FOR THE BOARD OF ACCOUNTANCY.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of sixteen hundred seventy five dollars is hereby appropriated as detailed below for the fiscal year 1971 to the board of accountancy. The sum hereby appropriated is to be expended as follows:

Current expenses	\$1,300.00
Other personal services	325.00
In-state travel	50.00

Total appropriation	\$1,675.00
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The sums hereby appropriated are in addition to any other sums appropriated for the board of accountancy for the fiscal year ending June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 30, 1971.]

CHAPTER 462.

AN ACT RELATIVE TO CONSTRUCTION ATTACHMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

462:1 Establishing Priority of Attachments. Amend RSA 447 by inserting after section 12 the following new section:

447:12-a [New] Attachment Priority. Such attachment shall have precedence and priority over any construction mortgage. For the purposes of this section a construction mortgage shall mean any mortgage loan made for the purpose of financing the construction, repair or alteration of any structure on the mortgaged premises where the lien secured by such attachment arises from the same construction, repair or alteration work. Provided that such attachment shall not be entitled to precedence as provided in this section to the extent that the mortgagee shall show that the proceeds of the mortgage loan were disbursed either toward payment of invoices from or claims due sub-contractors and suppliers of materials or labor for the work on the mortgaged premises, or upon receipt by the mortgagee from the mortgagor or his agent of an affidavit that the work on the mortgaged premises for which such disbursement is to be made has been completed and that the sub-contractors and suppliers of materials or labor have been paid for their share of such work. Any agreement waiving the precedence provided by this section shall be enforceable only upon like showing by the mortgagee. The precedence provided by this section shall not apply to wage claims of employees working for wages under an employer-employee relationship, as defined in RSA 275: 42. A mortgagor or his agent making a wilfully false affidavit hereunder shall upon conviction thereof by a court of competent jurisdiction be subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both.

462:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 463.

AN ACT PROVIDING WORKMEN'S COMPENSATION ON A VOLUNTARY BASIS TO PERSONS ENGAGED IN BUSINESS UNDER CERTAIN CIRCUMSTANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

463:1 Extended Coverage. Amend RSA 281:2, III (supp) as amended, by striking out said paragraph and inserting in place thereof the following:

III. Employee, with respect to private employment, means any person in the service of an employer subject to the provisions of this chapter under any contract of hire, express or implied, oral or written, except employees employed in farm labor when not more than two persons are employed, domestic servants, casual employees, and railroad employees engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act, but including, if they elect to be personally covered by this chapter, persons who regularly operate businesses or practice their trades, professions, or occupations, whether individually, or in partnership, or association with other persons, whether or not they hire employees.

463:2 Provision for Special Compensation. Amend RSA 281:2 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding the provisions of RSA 281:22, 23 and 26, the compensation of persons who regularly operate businesses or practice their trades, professions, or occupations, as provided by paragraph III, shall be computed on the basis of eighty percent of their average weekly salaries, but no more than three hundred dollars per calendar week. The state's insurance commissioner is hereby authorized to review for his approval, at his discretion, an appropriate classification for the foregoing class of persons and a reasonable rate.

463:3 Effective Date. This act shall take effect July 1, 1971.

[Approved July 1, 1971.]

[Effective date July 1, 1971.]

CHAPTER 464.

AN ACT LEGALIZING THE ANNUAL MEETING OF THE CLAREMONT SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

464:1 Proceedings Legalized. All votes and proceedings at the annual district meeting of the Claremont school district held on March 31, 1971

are hereby legalized, ratified and confirmed in all respects, without limiting the generality of the foregoing the school board of said district may issue four hundred thousand dollars in bonds and notes for the purchase of St. Mary High School and two hundred sixteen thousand three hundred and seventy-three dollars in bonds and notes for repairs, renovations and additions to St. Mary High School and renovations to physics and biology laboratories at Stevens High School.

464:2 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1971.]

[Effective date July 1, 1971.]

CHAPTER 465.

AN ACT PERMITTING THE ISSUANCE OF LIQUOR PERMITS TO CERTAIN CONVICTED FELONS UPON APPROVAL OF THE LIQUOR COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

465:1 Permits for Certain Felons. Amend RSA 181 by inserting after section 15 the following new section:

181:15-a [New]—Exception. Notwithstanding the provisions of RSA 181:15, the commission after consultation with the attorney general may in its discretion approve the issuance of a permit under this chapter to any person who has been convicted of a felony in this state, provided, that such felony shall not have been for the crime of abduction, arson, incest, manslaughter in the first degree, mayhem, murder, rape, robbery or as a result of trafficking in drugs and provided further that not less than five years shall have passed since said person was placed on parole or probation and that during this interim period he shall have led an exemplary life and not have been convicted of any further crime except for minor traffic violations. Said approval shall allow such person to sell beverages in accordance with the provisions of this chapter and the commission shall periodically review the status of said person in respect to the continuance of his good behavior and may in its discretion revoke the approval for a permit granted hereunder.

465:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 466.

AN ACT INCLUDING SURVIVING SPOUSE OF DISABLED SERVICEMEN IN THE CLASS OF PERSON EXEMPT FROM TAXATION ON A HOMESTEAD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

466:1 Surviving Spouse Included. Amend RSA 72:36-a by striking out said section and inserting in place thereof the following:

72: 36-a Certain Disabled Servicemen. If any person who shall be discharged from military service of the United States under conditions other than dishonorable, shall be totally and permanently disabled from service connection and satisfactory proof of such service connection is furnished to the assessors and who is a double amputee or paraplegic as the result of service connection and who owns a specially adapted homestead which has been acquired with the assistance of the Veterans Administration, he or his surviving spouse until such time as such surviving spouse remarries, shall be exempt from all taxation on said homestead.

466: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 467.

AN ACT RELATIVE TO ELECTION AND TERMS OF OFFICE OF MEMBERS AT LARGE OF TOWN BUDGET COMMITTEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

467: 1 Town Budget Committee. Amend RSA 32: 2 by striking out said section and inserting in place thereof the following:

32: 2 Budget Committee. The budget committee shall consist of three, six, nine or twelve members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one member chosen by the school board of each school district wholly within said town, and one member of the board of commissioners of each village district wholly within said town to be designated by said board, and one member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine, under a proper article in the warrant for said meeting, provided, however, that no selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. One of said members-at-large shall be elected by the budget committee as chairman. If said members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting, except as provided in section 3. Where said members-at-large are appointive such appointments shall be made within thirty days after the annual town meeting. One third of the members-at-large shall hold office for one year, one third for two years, and one third for three years and each year thereafter one third shall be elected or appointed for a term of three years and until their successors are elected or appointed and qualified. Vacancies in the membership-at-large shall be filled by appointment by the moderator and such appointment shall be made within five days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall hold office for one year and until their successors are qualified.

467:2 Incumbents. The provisions of this act shall not affect the terms of members-at-large holding office under the provisions of RSA 32:2 on the effective date of this act.

467:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 468.

JOINT RESOLUTION PROVIDING FOR A DEFICIENCY APPROPRIATION FOR THE NEW HAMPSHIRE RETIREMENT SYSTEM AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE STATE TREASURER.

WHEREAS, there was a total amount of one million three hundred ninety-one thousand eight hundred ninety-five dollars appropriated and allocated for normal state contribution to the New Hampshire Retirement System for fiscal 1970, and

WHEREAS, the actual total amount due and payable to the New Hampshire Retirement System for said purpose was one million four hundred fifty-five thousand two hundred eighty-three dollars and ninety-four cents, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of sixty-three thousand three hundred eighty-eight dollars and ninety-four cents is hereby appropriated for the New Hampshire Retirement System to provide for the deficiency in the normal state contribution for the fiscal year 1970.

THAT the sum of three hundred and fifty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1971, to be expended by the state treasurer for the normal contribution to the state employees retirement fund.

[Approved July 1, 1971.]

CHAPTER 469.

JOINT RESOLUTION TO EVALUATE THE UTILIZATION OF STATE OWNED VEHICLES.

WHEREAS, the expense of maintaining a fleet of state owned vehicles is of major cost and concern to the citizens of New Hampshire; and

WHEREAS, there may now exist abuses in the areas of management and use of said fleet of vehicles; and

WHEREAS, it appears necessary to evaluate the workings of said areas of management and use of said fleet of vehicles with the aim to make available a report concerning said areas; now therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the fiscal committee is hereby directed to evaluate the management and use of state owned vehicles and to submit a report to the governor and council on or before April 1, 1972, said report including any recommendations the committee may conclude; and for this purpose said committee shall have the power (1) to require testimony from state employees regarding such management and use; (2) to require submission of records from any appropriate state agency regarding such management and use.

[Approved July 1, 1971.]

CHAPTER 470.

JOINT RESOLUTION DIRECTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A STATE PARK NAMED FOR ALAN B. SHEPARD AND DIRECTING AN INVESTIGATION AND INVENTORY OF THE STATE'S SCENIC RIVERS.

WHEREAS, certain rivers of New Hampshire which with their immediate environments possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, therefore, be it resolved that the general court of the state of New Hampshire declares that it is the policy of the state that these rivers shall be preserved in a free flowing condition and that they and their immediate environments shall be protected for the benefit and enjoyment of the present and future generations, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT in recognition thereof the council of resources and development shall develop criteria for such rivers and conduct an inventory of such rivers, and shall submit the same, together with drafts of recommended legislation, to the next regular or special session of the general court, but in no case shall they be submitted later than January 15, 1973.

THAT the council of resources and development is hereby directed to conduct a study of the feasibility of establishing a state park named for Alan B. Shepard in the area of Derry, Londonderry, Litchfield and Manchester and shall report on its findings to the general court not later than January 15, 1973. The council shall hold public hearings in the course of their study to receive testimony and information as often and where they see fit.

[Approved July 1, 1971.]

CHAPTER 471.

AN ACT RELATIVE TO PROFESSIONAL SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

471:1 Liability Clarified. Amend RSA 507 by inserting after section 8-a the following new section:

507:8-b [New] Strict Liability and Implied Warranties Limited. It is expressly declared that no strict liability in tort, nor any implied warranty, attaches to the procurement, furnishing, donation, processing, distributing, or use of whole blood, plasma, blood products or blood derivatives for the purpose of administering, injecting or transfusing any of them into the human body, whether or not remuneration is paid therefor, and no person, firm, or corporation participating therein shall be liable for damages, except for negligence.

471:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 472.

AN ACT ESTABLISHING A SPECIAL COMMITTEE TO STUDY THE
ACQUISITION OF CERTAIN DAMS AND THE FEASIBILITY OF
ENACTING A LOCAL ASSESSMENT ON SHORELINES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

472:1 Committee Established. There is hereby established a special study committee to consider authorizing the water resources board to acquire the following dams: Contoocook Village, Pine River Pond, Nubanusit Brook, Sunrise Lake, March Pond, and Downing Pond and to study plans for the enactment of a local assessment on shorelines to be used to establish a fund for the acquisition, maintenance and reconstruction of dams owned or controlled by the state. Said committee shall consist of three members of the house, appointed by the speaker of the house and two members of the senate, appointed by the president of the senate.

472:2 Compensation. The members of the study committee shall serve without compensation.

472:3 Report. The committee shall make a report of its findings to the 1973 session of the legislature.

472:4 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1971.]

[Effective date July 1, 1971.]

CHAPTER 473.

AN ACT RELATIVE TO WITNESS FEES FOR LAW ENFORCEMENT OFFICERS
AND CHANGING THE EFFECTIVE DATE OF AN ACT ABOLISHING DOWER
AND CURTESY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

473:1 Supplemental Witness Fees. Amend RSA 592-A:13 (supp) as amended by 1957, 244:8 by adding at the end thereof the following (Pro-

vided, however, towns and cities may pay supplemental witness fees if deemed desirable.) so that said section as amended shall read as follows:

592-A: 13 No Witness Fee to Salaried Officers. No sheriff, deputy sheriff, constable, city marshal, chief of police or other police officer who receives a salary or who is to be otherwise compensated as a law enforcement officer in connection with the same criminal case by the state, county, city or town, shall be paid any fee for testifying as a witness in a criminal case; except that any police officer who is on vacation, furlough or on time off who attends as a witness in a criminal case pending in any municipal or superior court shall, upon order of the court, be paid a witness fee in accordance with section 12 for each day of such attendance. Provided, however, towns and cities may pay supplemental witness fees if deemed desirable.

473: 2 Police Officers in Towns or Cities of Over Fifty Thousand Population. Amend RSA 592-A by inserting after section 13 the following new section:

592-A: 13-a [New] Pay in Lieu of Witness Fee. Notwithstanding the witness fees payable pursuant to RSA 502-A: 13 to an off duty police officer, when such an officer is employed by a town or city of fifty thousand or more population, he may receive from his town or city, in lieu of the witness fee so provided, the regular rate of pay that he would be entitled to if he were on duty. The provisions of this section shall apply only when such officer is required to appear in the superior court as a witness in a criminal case.

473: 3 Change of Effective Date. Amend section 31 of an act passed at the 1971 session of the general court, relative to establishing rights in lieu of dower and curtesy, by striking out the same and inserting in place thereof the following:*

179: 31 Effective Date. This act shall take effect at midnight, August 10, 1971 but shall not apply to the estates of persons deceased prior to said date and time but such estates shall remain subject to the provisions of the laws in force prior to the effective date of this act.

473: 4 Effective Date. Sections 1 and 2 of the act shall take effect January 1, 1972. Section 3 shall take effect upon passage.

[Approved July 1, 1971.]

[Effective date. Sections 1 and 2 shall take effect January 1, 1972. Section 3 shall take effect July 1, 1971.]

* Note. Act referred to is 1971, 179.

CHAPTER 474.

AN ACT EXPANDING THE DISCRETION OF THE ATTORNEY GENERAL IN ADMINISTERING THE LAND SALES FULL DISCLOSURE ACT AND ALLOWING GOVERNMENTAL UNITS TO ENTER INTO AGREEMENTS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF JAILS AND OTHER CORRECTIONAL FACILITIES AND PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

474:1 Discretion of Agency. Amend RSA 356-A:3, III (supp) as inserted by 1970, 55:1 by striking out said paragraph and inserting in place thereof the following:

III. The agency may from time to time, pursuant to rules and regulations issued by it, exempt from any of the provisions of this chapter any subdivision or any lots in a subdivision, if it finds that the enforcement of all of the provisions of this chapter with respect to such subdivision or lots, parcels, units or interests is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering, or because such property in the discretion of the agency is otherwise adequately regulated by federal, state, county, municipal, or town statutes or ordinances or because such property has been registered and approved pursuant to the laws of any other state.

474:2 Correctional Facilities. Amend RSA 53-A:3 as inserted by 1963, 275:14 and amended by 1969, 126:1 by inserting after paragraph XIII the following new paragraph:

XIV. The construction, maintenance and operation of jails and other correctional facilities and programs.

474:3 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1971.]

[Effective date July 1, 1971.]

CHAPTER 475.

AN ACT RELATIVE TO INCREASING THE TAX ON TOBACCO PRODUCTS AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

475:1 Tobacco; Tax Increase. Amend RSA 78:7 (supp) as amended by 1955, 256:1; 1965, 132:1; 1967, 159:1 and 1970, 5:10 by striking out in lines two and sixteen the word "thirty-four" and inserting in place thereof the word (forty-two) so that said section as amended shall read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of forty-two percent upon the value of all tobacco products sold at retail in this state measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at

retail, but the word "package" as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the constitution of the United States. Each unclassified importer shall within twenty-four hours after receipt of any unstamped tobacco products in this state notify the tax commission of the amount and brands of tobacco products received and the name and address of the consignor. The tax commission, thereupon, shall notify the unclassified importer of the amount of the tax due thereon, at the rate of forty-two percent of the value thereof. Payment of the amount due the state shall be made within ten days from the mailing date of the notice thereof. Any unclassified importer refusing to pay the tax on tobacco products imported by him within ten days after being notified of the amount of said tax by the tax commission, shall be subject to a fine of not less than twenty-five dollars or more than one hundred dollars.

475:2 Temporary Provisions. The director of the division of tobacco products is hereby authorized and empowered to require from tobacco products tax licensees a report of all tobacco products or tobacco tax indicia on hand or in stock whenever deemed necessary for the purpose of collecting the additional tax imposed by this act so far as applicable to tobacco products in the possession of licensees at the time this act becomes effective. He may prescribe such reasonable method and manner by which such licensees shall pay the additional taxes required in order to conform with this act. The provisions of RSA 78:14 are hereby suspended for such length of time as will enable said licensees to dispose of such tobacco products as they have on hand and in stock on the date this law takes effect provided, however, that the additional tax imposed by this act has been paid. Any license may be revoked by the director of the division of tobacco products for failure to comply with the provisions of this section.

475:3 Appropriation. In order to insure the payment of the tax upon tobacco products on hand and in the possession of licensees at the time this act becomes effective the state tax commission is hereby authorized to employ such temporary help as may be necessary and procure such supplies, stamps, and other things necessary for the purpose and the sum of four thousand five hundred dollars is hereby appropriated to defray the cost thereof. Said appropriation shall not lapse at the end of the fiscal year but shall continue and be available so long as there is need therefor. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

475:4 Effective Date. Section 3 of this act shall take effect upon its passage. Sections 1 and 2 shall take effect July 7, 1971.

[Approved July 1, 1971.]

[Effective date. Section 3 of act effective July 1, 1971. Sections 1 and 2 shall take effect July 7, 1971.]

CHAPTER 476.

AN ACT RELATIVE TO THE ASSESSMENT OF A RESIDENT TAX FOR STATE AND LOCAL PURPOSES TO REPLACE THE HEAD TAX, AND THE POLL TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

476:1 Resident Tax. Amend RSA 72:1 (supp) as amended by 1967, 206:1 and 1970, 52:1 by striking out said section and inserting in place thereof the following:

72:1 Persons Liable. A poll tax of ten dollars, to be known as the "resident tax" shall be assessed on every inhabitant of the state from twenty-one to sixty-five years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in sections 28 and 32 of this chapter, and others exempt by special provisions of law. The exemption herein provided for a widow shall be available only until she remarries.

476:2 Repeal. RSA 72:2 (supp) as amended by 1967, 206:2 relative to veterans' exemption is hereby repealed.

476:3 Husband's Liability. Amend RSA 72:5 by striking out in line two the word "poll" and inserting in place thereof the word (resident) so that said section as amended shall read as follows:

72:5 Liability of Husband. A husband shall be liable for the payment of his wife's resident tax if, when it was assessed, they were living together as man and wife.

476:4 Distribution; Compensation of Collectors. Amend RSA 72 by inserting after section 5 the following new sections:

72:5-a [New] Distribution of Resident Taxes. Each town and city shall on the fifteenth day of October, January, April, and July pay over to the state treasurer forty-five percent of all resident taxes collected therein during the three months next preceding which shall be for the use of the state. The remaining fifty-five percent of the resident tax collected shall be retained for the use of the town or city. The state treasurer shall not pay to any city or town any money that may be due to it from the state until all payments due the state pursuant to this section shall have been paid.

72:5-b [New] Compensation of Collector. In those towns where the collector is paid upon a commission or part-time basis, the collector of taxes shall receive for his services in collecting resident taxes, and in lieu of any other compensation for said service, twenty cents for each resident tax collected by him and paid over to the town treasurer.

72:5-c [New] Application. On and after the effective date of this act all references to "poll taxes" or "poll tax" in the laws of the state shall be construed to mean "resident tax" as enacted in RSA 72:1.

476:5 Assessment. The resident tax shall be assessed as of July 10, 1971 and in each year thereafter shall be assessed as of April first.

476:6 Credit. Any inhabitant who between the dates of April 1 and July 10, 1971, has paid his poll tax under the laws then in force shall be given a credit of two dollars against the resident tax assessed as of July 10, 1971.

476:7 List. Amend RSA 76:12 (supp) as amended by 1957, 86:1 by striking out said section and inserting in place thereof the following:

76:12 List of Resident Taxes. Before June first in each year, unless the time therefore is extended by the tax commission, the selectmen of towns and the assessors of cities shall commit to the collector of taxes a warrant, under their hands and seal, together with a list of resident taxes by them assessed, directing the collector to collect the same and to pay the amount collected to the treasurer at such times as may be therein prescribed. Provided, that for the first assessment of the resident tax the warrant with the list shall be committed before August 1, 1971.

476:8 Abatement. Amend RSA 76 by inserting after section 16-b (supp) as inserted by 1969, 246:2 the following new section:

76:16-c [New] Abatement of Resident Taxes. Selectmen or assessors may for good cause shown abate any resident tax assessed by them or their predecessors.

476:9 Penalty on Overdue Resident Tax. Amend RSA 76:13-a (supp) as inserted by 1969, 206:2 by striking out said section and inserting in place thereof the following:

76:13-a Resident Tax Penalty. There shall be added to any resident tax not paid in full on or before December first following the assessment of the resident tax the sum of one dollar which shall be collected with the tax as incident thereto.

476:10 Resident Tax Subdivision. Amend RSA 72 by striking out the subdivision heading "Poll Taxes" and inserting in place thereof the heading (Resident Taxes).

476:11 Effective Date. This act shall take effect July 10, 1971.

[Approved July 1, 1971.]

[Effective date July 10, 1971.]

CHAPTER 477.

AN ACT PROVIDING FOR ARBITRATION IN LABOR GRIEVANCES INVOLVING CITY EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

477:1 Findings of Board Final. Amend RSA 49-A:38 (supp) as inserted by 1963, 275:1 by striking out said section and inserting in place thereof the following:

49-A:38 Personnel Advisory Board. There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the board of aldermen. The term of each member shall be for three years and until

his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the board of aldermen concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from any employee aggrieved as to the status or condition of his employment. The board shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. The findings of the board on such appeals shall be final and binding on both parties.

477:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1971.]

[Effective date August 30, 1971.]

CHAPTER 478.

AN ACT RELATIVE TO THE FORM OF DRIVERS LICENSES, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

478:1 Laminated Card with Color Photograph. Amend RSA 261:9 by striking out said section and inserting in place thereof the following:

261:9 Form of License. The director shall, upon payment of the required fee, issue to every applicant an operator's license subject to such conditions as the director may deem expedient which shall take the form of a laminated card two and one eighths inches wide and three and three eighths inches long. Said laminated card shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, height, and weight of the licensee and an instant full-face color photograph of the licensee. There shall also be provided a space wherein the licensee shall write his usual signature in ink and a space wherein the licensee may enter his blood type if he so desires. No license shall be valid until signed in the proper space by the licensee.

478:2 Term of License. Amend RSA 261:12 as amended by 1963, 184:3 by striking out said section and inserting in place thereof the following:

261:12 Expiration. All licenses shall expire on the fourth anniversary of the license holder's date of birth following the date of issuance. The director shall notify each holder of a license by mail addressed to the holder's last known address, thirty days prior to the expiration date thereof of a place and time when he shall appear for the issuance of a new license.

478:3 License Fees. Amend paragraph I of RSA 262:11 as amended by 1963, 184:1 and 1965, 240:4 by striking out said paragraph and inserting in place thereof the following:

I. For each operator's original license and examination, twelve dollars, and for each commercial operator's original license and examination, twelve

dollars. From every twelve dollar fee collected for each original operator's and each original commercial operator's license issued, five dollars shall be credited to the driver training fund established by RSA 262: 1-a. For all subsequent renewals of operator's and commercial operator's licenses, twelve dollars.

478: 4 Temporary Provisions Effective During Transition Period. The period from July 1, 1972 to June 30, 1976 shall be a transition period during which time the director of the division of motor vehicles shall cause every holder of any type license to operate a motor vehicle to apply for a laminated card photographic license as provided in this act. During this transition period, the director of the division of motor vehicles shall equalize, as far as is possible, the number of applications that will be made for renewal licenses in future years. Notwithstanding any provisions of this act or any other provisions of law to the contrary, the director of the division of motor vehicles shall have the following powers and duties during the transition period:

I. He shall in each of the years of the transition period cause such numbers of persons who hold a license to submit such application as he deems necessary to equalize the number of renewal applications in future years whether or not the license of any such person has expired at the time of said application.

II. He shall send a renewal application by mail addressed to the license holder's last known address, at least thirty days prior to the date by which the applicant is required to appear for the issuance of a new license. The date set by the director shall be prior to and reasonably close to the birthday of the applicant.

III. If the person required to submit a license application fails to do so by the date set by the director, the director may suspend the license until the application is submitted.

IV. If any such person is issued said laminated card photographic license, said license shall be valid for four years commencing from his birthday in the calendar year in which it is issued and the license he holds as of the date of application shall be valid only until the date the new license commences.

V. Notwithstanding the provisions of section 2 of this act to the contrary, he may issue a renewal of any nonphotographic license in accordance with the provisions of RSA 261: 9, RSA 262: 11, I, and RSA 261: 12, in effect prior to the passage of this act.

478: 5 Appropriation. There is hereby appropriated to the division of motor vehicles of the department of safety for the fiscal year ending June 30, 1972 and for the fiscal year ending June 30, 1973 the following sums which shall be expended as follows:

	1971	1972
Personal services:		
Permanent	\$22,042.54	\$103,741.56
Current expenses	1,929.44	73,948.60
Travel, Meals and		
Lodging:		
In-state	1,500.00	13,500.00
Out-of-state	1,000.00	500.00
Equipment	4,351.00	61,145.00

Other expense	2,204.25	10,374.16	
Total		<u>\$33,027.23</u>	<u>\$263,209.32</u>

The governor is authorized to draw his warrant for said sums which shall be a charge against the highway fund.

478: 6 Repeal. RSA 261: 10, relative to signatures on operator's licenses; RSA 261: 21-a (supp) as inserted by 1967, 341: 7 relative to extension of present licenses; and RSA 262: 31 relative to endorsement of conviction on license are hereby repealed.

478: 7 Effective Date. Section 5 of this act shall take effect July 1, 1971, and all other sections of this act shall take effect July 1, 1972.

[Approved July 1, 1971.]

[Effective date. Section 5 shall take effect July 1, 1971, and all other sections of act shall take effect July 1, 1972.]

CHAPTER 479.

AN ACT TO PROMOTE COMPETENT AMBULANCE SERVICE AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

479: 1 New Chapter. Amend RSA by inserting after chapter 151-A the following new chapter:

CHAPTER 151-B [NEW]

EMERGENCY MEDICAL TRANSPORTATION SERVICES

151-B: 1 Declaration of Policy and Purpose.

I. The general court declares that it is the policy of the state to save lives and speed the healing of persons injured in accidents or otherwise in need of medical service by providing an emergency care system that will bring the injured or sick person under the care of persons properly trained to care for the injured or sick in the shortest practical time, and that will provide safe transportation for the injured or sick person to a treatment center, prepared to receive the injured person.

II. It is the purpose of this chapter to promote this policy by providing the means by which the best possible first aid treatment can be brought to the injured or sick person in the shortest practical time, and by which the injured or sick person can be safely transported to a medical treatment center in proper equipment that is designed to provide supportive care for the injured or sick person and which is able to communicate with the medical treatment center regarding the treatment of the injured or sick person.

III. It is the plan of RSA 151-B to provide help for any scheme of emergency medical service that provides trained personnel, furnishes adequate equipment, and which furnishes emergency medical service to the public.

IV. It is not the intent of this chapter to prevent the operation of any nonprofit ambulance service which meets the minimum standards as pro-

vided by this chapter for the training of ambulance personnel and for medical service equipment.

151-B: 2 Ambulance Service Coordinating Board.

I. The ambulance service coordinating board is created, consisting of five members appointed as set out in RSA 151-B: 2, II.

II. The governor shall appoint persons from a list furnished by the following organizations:

(a) Two members from the New Hampshire Ambulance Association, one of whom shall represent the interest of a voluntary group that furnishes emergency medical services.

(b) One member from the New Hampshire Medical Association.

(c) One member from the New Hampshire Municipal Association.

(d) One member from the New Hampshire Hospital Association.

III. The term of a member shall be five years, one member to be appointed each year. In the first instance, after the governor has appointed the five members, he shall select the term of each member by lot, so that one member's term expires each year for the first five years. Each member appointed by the governor shall serve until his successor is appointed and qualifies for the office. The governor shall fill any vacancy from a new list submitted by the same organization that submitted the name of the person creating the vacancy.

151-B: 3 Duties of the Board.

I. The ambulance service coordinating board shall establish a plan for providing acceptable, emergency services, medical transportation throughout the state. The board shall encourage regional emergency care planning programs designed to comply with the state plan. If funds are available, the board may furnish funds to any regional or district emergency medical care group to plan for the establishment of an ambulance region or district.

II. The board shall provide plans to work with hospitals, furnishers of ambulance services, local governments, police departments, fire departments, emergency units, first aid groups, or any other groups that furnish or work with groups that furnish emergency medical transportation services.

III. The board shall plan for and coordinate programs for training ambulance drivers and attendants, and other persons who provide emergency medical care services, including dispatchers. If funds are available, the board may establish matching training grants to aid groups and communities to train people in emergency medical care.

151-B: 4 Powers of Coordinating Board.

I. If funds are available, the ambulance coordinating board may make grants to aid in planning for the creation of an ambulance region, or an ambulance district.

II. If funds are available, the board may make grants to ambulance districts which fulfill the qualifications and meet the standards set by the board for equipment other than vehicles.

III. The board shall, in conjunction with the director of the division of public health, establish minimum standards to be met by the cooperating groups in the following areas:

(a) Licensing by the director of public health;

(b) Vehicles;

(c) Equipment for vehicles;

- (d) Personnel;
- (e) Training;
- (f) Communications; and
- (g) Cooperation with other units.

IV. The board is designated as the state agency which determines those political subdivisions or their agents that are eligible to receive federal funds to purchase emergency medical care vehicles and emergency medical care communications equipment. The board shall administer and award these grants to groups whom the board of judges will act in furtherance of the statewide plan for emergency medical care services.

151-B: 5 Ambulance Service Regions. The coordinating board shall designate ambulance service regions in geographical areas that form natural areas of ambulance service coordination. The counties, cities, town, and village precincts within a region, or any of these municipalities in combination, may apply to the coordinating board for a charter to establish a regional ambulance coordinating service agency within the geographical area designated as an ambulance service region by the coordinating board. If the funds are available, the board may allocate funds to any group of municipalities which applies for such a charter, to enable the group to organize and meet the conditions set by the board for a regional service agency.

151-B: 6 Ambulance Districts. The state coordinating board shall set standards to be met by local ambulance service districts which participate in the state emergency vehicle program. The state coordinating board shall recommend to the regional coordinating agencies the specific locations for emergency vehicle installations within a district, and shall state their reasons for such a recommendation, based upon political subdivisions, geographical terrain, population density, hospital locations, road networks, existing emergency vehicle services, response time to the scene of potential accidents, demand rate for ambulance service, probable time elapse before ambulance is back in service after making a call, and other factors which may have a bearing on the location of an ambulance service.

151-B: 7 Creation of Ambulance Districts.

I. Any five persons who are qualified as set forth below and who reside in the geographical bounds of an ambulance district as designated by the state board may petition the state board for a charter as an ambulance district board to be created within the ambulance district.

II. The qualifications of members of the board of directors of the ambulance district are that they be representatives of medical facilities, ambulance services, volunteer emergency or rescue units, volunteer first aid units, radio communication units, or any other organization working in the emergency medical care field.

III. If the state board is satisfied that the district board sufficiently represents all of the groups interested in medical transportation in the district who are willing to serve, it shall grant the board the authority to organize an ambulance district. If there is not sufficient representation, the board shall actively seek to get such representation on the board.

151-B: 8 Ambulance District Boards; Duties.

I. The ambulance district boards shall coordinate ambulance services within the district. The district board shall make its decisions based on local conditions and available resources.

II. The board shall foster ambulance services within the district so as to provide emergency medical transportation by trained and qualified persons for any person injured within the district, or within a cooperating district.

III. The district board shall supervise the activities of persons or organizations within the district supplying emergency medical transportation to the extent required of it by any law or regulation.

IV. The district board shall advise the ambulance regional board and the state coordinating board of any local conditions that warrant a change of district boundary lines. The state coordinating board may temporarily change district boundary lines until the end of the next regular session of the general court, at which time the changed boundary lines become permanent.

151-B: 9 Ambulance District Boards; Powers.

I. In places where the service is needed to supplement existing services, or in a district where there is no ambulance service, the ambulance district boards may take on the actual operation of ambulance services.

II. The district board may cooperate with and make agreements with public and private organizations engaged in furnishing ambulance services or related activities, whether the persons or organizations are within the district or not.

151-B: 10 Supervision of Ambulance Services. The director of the division of public health is responsible for the statewide supervision of ambulance services and all equipment and persons coming under the provisions of this chapter. The director of the division of public health may designate, in writing, an individual in the division of public health to exercise the authority granted to the director by RSA 151-B.

Licensing Provisions

151-B: 11 Licenses of Ambulances and Ambulance Service.

I. A person shall not engage in the business or service of the transportation of patients upon any public way of the state unless he holds a license issued by the director of public health for engaging in such a business or service issued under RSA 151-B.

II. A person shall not operate an ambulance for ambulance purposes on any public way in the state without being licensed by the director of public health as an attendant-driver or driver under RSA 151-B.

III. A person shall not operate an ambulance on public ways in this state if the ambulance is not licensed by the director of public health under RSA 151-B.

IV. The director of the division of public health shall not issue a license for an ambulance under this chapter unless the ambulance meets the minimum equipment standards established under RSA 151-B.

V. If a major emergency occurs and the licensed ambulances in the state are not sufficient to meet the needs to transport the injured or sick persons, the licensing provisions of this section do not apply during the period of the emergency.

VI. If an ambulance is owned by a nonresident and is licensed as a motor vehicle in another state, it may be operated on the public ways of this state to transport patients who are picked up out of state and brought to treatment centers in the state, without the ambulance, its owners, the driver, the attendant, or the attendant drivers being licensed under RSA 151-B: 11.

VII. Any change of ownership of a licensed ambulance or of a business or service engaged in the transportation of patients ends the license concerned. Upon such a change of ownership, the director of public health shall issue a thirty day temporary license upon the application of the new owner for a current license.

VIII. After one year from the effective date of this chapter, all persons engaged in the business or service of the transportation of patients on any public ways in the state; all persons operating an ambulance for ambulance purposes on any public way in the state; and all ambulances operated on public ways in this state shall conform to the minimum standards set by regulations issued under the authority of RSA 151-B.

IX. If there is a hardship imposed on any applicant for a license under RSA 151-B: 11 because of an unusual circumstance, the applicant may apply to the director for a temporary waiver of the licensing provisions of this section, for good cause shown. The director has the power to waive licensing provisions of RSA 151-B: 11 for a period not to exceed ninety days.

151-B: 12 Standard for Ambulance License. Subject to the approval of the ambulance service coordinating board, the director of the division of public health shall issue regulations to govern the standards of suitability of ambulances for the transportation of patients from the standpoint of health, sanitation, safety, communications, maintenance, on board medical equipment, safety equipment, extraction equipment, ambulance markings, garaging conditions, and care and condition of the ambulance and its equipment.

151-B: 13 Applications for License, Drivers, Attendants, and Driver-Attendants.

I. Within sixty days after the effective date of RSA 151-B, any person, firm, partnership, corporation, municipality, volunteer units, or any other business or organization providing ambulance service, shall furnish the director of public health with a list of all persons authorized to drive, or act as attendant or driver-attendant of any ambulance owned or operated by him.

II. The director shall provide application forms for licenses under RSA 151-B: 13. Subject to the approval of the ambulance service coordinating board, the director shall make reasonable minimum standards of health, performance fitness, education, and moral fitness. He may use the guides established by the American College of Surgeon's Board of Regents as a standard, except that a felony conviction shall not necessarily disqualify an attendant or driver-attendant.

III. After one year from the effective date of RSA 151-B, all driver-attendants and attendants shall hold a current certificate of completion of an advanced first aid course approved by the director. The applicant shall also be certified as proficient in external cardiac compression, and in handling emergency child birth and persons with acute mental conditions.

IV. If there is a hardship imposed upon any applicant for a license under RSA 151-B: 13 because of an unusual circumstance, the applicant may apply to the director for a temporary waiver of the licensing provisions of RSA 151-B: 13 for good cause shown. The director has the power to waive licensing provisions of RSA 151-B: 13 for a period not to exceed ninety days.

151-B: 14 Revocation of License.

I. Any license granted under RSA 151-B may be suspended or revoked by the director for cause, after a hearing before the ambulance service coordinating board. Appeal from a decision of the board may be had under RSA 541.

II. Cause for suspension or revocation of a license is failure to comply with any of the provisions or standards of RSA 151-B or of any regulations of the director issued under authority of RSA 151-B. All inspection reports of the director are rebuttable evidence of the facts or conclusions stated therein as to the compliance or noncompliance with the pertinent laws or regulations involved in the licensing.

III. Before suspending or revoking a license, the director shall give the licensee notice of the particular charge of violation against him. The director shall give the licensee a reasonable time for compliance.

IV. If the licensee fails to correct the deficiencies charged against him, or fails to comply with the law or regulations to the satisfaction of the director, the director shall notify the ambulance service coordinating board of the allegations against the licensee. On receiving the allegations, the board shall notify the licensee of the charges against him, and shall notify the licensee of the time and place of the hearing on the charges. The board shall set a reasonable time to allow a proper defense against the charges. The licensee may be represented by counsel, and may present witnesses in his behalf. The board shall issue a written decision, which shall include findings of fact. The decision shall be sent to the director and to the licensee.

V. If any license is suspended or revoked, the holder shall immediately stop all operations authorized by the license.

151-B: 15 Powers and Duties of Director of Public Health toward Ambulance Services.

I. GUIDELINES. The board and the director of public health shall be guided by the purposes and intent of RSA 151-B in the making of regulations as authorized by RSA 151-B. The director is not authorized to establish any requirement for a necessity of an ambulance service prior to licensing any person or organization to operate an ambulance service. If any voluntary organization wishes to establish an ambulance service within the state it shall conform to the licensing provisions of RSA 151-B. However, the existence of any master plan by the state coordinating board which establishes the optimum location of an ambulance service is not an adequate reason for the denial of a license to operate an ambulance service within the state.

II. STANDARDS. The standards used by the board and the director of public health for the issuing of any license under RSA 151-B shall be reasonable and based upon local and statewide conditions. However, the minimum standards imposed between director may be the standards issued by any responsible organization having as its main concern the disposition of injured persons.

III. COORDINATION WITH POLICE AND FIRE AUTHORITY. The director shall plan for the coordination of ambulance services throughout the state with local or state police and fire authorities. Such a plan may be tested by local exercises from time to time in coordination with the police and fire authorities involved.

IV. MAJOR DISASTERS. The director shall make plans to cooperate in the event of a major disaster of any type within the state. He shall coordinate these plans with any state officials who would be involved in the care of any persons injured in such a disaster.

V. COMMUNICATION NETWORK. The director shall provide plans for a state, regional and district communication network involving the transportation of injured persons by vehicles licensed under RSA 151-B and hospitals. Under the direction of the state coordinating board, the director may allocate available funds for the establishing and maintenance of communications network involving vehicles, hospitals, and other emergency treating organizations within the state.

VI. COORDINATION OF DISPATCHING PERFORMANCE. The director shall develop a plan for the coordination of ambulance dispatching services within the state. He shall supervise the execution of the plan under the direction of the state coordinating board. The director may base the allocation of any funds available under RSA 151-B upon the degree of cooperation offered between regions and districts established under RSA 151-B.

VII. REGULATIONS. Subject to the approval of the board, the director may issue regulations necessary to bring into effect any of the provisions of RSA 151-B. A public hearing shall be held by the director before issuing any regulations in accordance with RSA 151-B. The director shall give two weeks' notice of the public hearings by news releases to the news media of the state. The date of the issuance of the release shall not count as a day of notice.

VIII. FEES. The director may charge a license fee of not over five dollars for a license for an ambulance service; two dollars for a vehicle license; and one dollar for a driver or driver-attendant license.

479:2 Appropriations. There is hereby appropriated for the provisions of this act, in addition to any other sums appropriated for said purposes, the sum of nine thousand seventy-five dollars for fiscal 1972 and nine thousand three hundred and seventy-five dollars for fiscal 1973. The sums hereby appropriated are to be expended as follows:

	1972	1973
Personal services		
Other	5,485	5,785
Current expense	1,200	1,200
Travel		
In state	1,000	1,000
Out of state	390	390
Other	1,000	1,000
Total	9,075	9,375
Less estimated federal funds	8,000	8,000
Less license fees	1,075	1,375
Net appropriation	0	0

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

479:3 Effective Date. This act shall take effect September 1, 1971.

[Approved July 1, 1971.]

[Effective date September 1, 1971.]

CHAPTER 480.

AN ACT MAKING TEMPORARY APPROPRIATIONS FOR THE EXPENSES AND ENCUMBRANCES OF THE STATE OF NEW HAMPSHIRE.

WHEREAS, a budget has not yet been enacted for fiscal years 1972 and 1973 and;

WHEREAS, action at this time is necessary to carry on the functions of state government after fiscal year 1971, and prior to the passage of said budget act, now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

480:1 Appropriation. There is hereby appropriated out of the general fund or any applicable special fund for the general expenses and encumbrances of the state government during the first nine days of July, 1971 the following sums of money: Such amounts as are needed for the general operating expenses of the state government for which appropriations were made in fiscal year 1971. The governor is authorized by and with the advice and consent of the council to draw his warrants for the sums necessary for said temporary appropriations out of any money in the treasury not otherwise appropriated or, in the case of special funds, out of any such special funds. The director of the division of accounts is authorized, as provided by RSA 8:13 to maintain a system of encumbrance accounting to control expenditures and commitments within the amounts appropriated in this section. Such expenditures and encumbrances shall be a charge upon the respective appropriations to be made subsequently by the legislature for the fiscal year ending June 30, 1972.

480:2 Expenditure and Encumbrance of Funds. The expenditure and encumbrance of funds provided by section 1 hereof shall be made at the same rate and manner as for appropriations made for the fiscal year 1971, unless due to an emergency it shall be otherwise authorized by the governor with the advice and consent of the council.

480:3 Provisions of Law. The provisions of RSA 9 and the provisions of any other statute inconsistent with the provisions of sections 1 and 2 are hereby suspended to the extent of such inconsistencies during the time such sections are in effect. The State of New Hampshire hereby indemnifies any state official, commissioner, trustee or other person having control of public funds appropriated by the General Court for any liability personally incurred because of the provisions of RSA 9:19 and 20 for whatever period of time elapses from 12:01 a.m., July 1, 1971, until the time that the provisions of this chapter making temporary appropriations become law.

480:4 Effective Date. This act shall take effect as of July 1, 1971 and shall continue in effect until July 8, 1971, at 11:59 p.m., unless the appropriation acts for fiscal years 1972 and 1973 are sooner enacted in which event the provisions herein provided shall thereupon lapse.

[Approved July 2, 1971.]

[This act shall take effect as of July 1, 1971 and shall continue in effect until July 8, 1971, at 11:59 p.m. unless the appropriation acts for fiscal years 1972 and 1973 are sooner enacted in which event the provisions herein shall thereupon lapse.]

CHAPTER 481.**AN ACT ESTABLISHING A MISCELLANEOUS TAX DIVISION WITHIN THE TAX COMMISSION.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

481:1 New Chapter. Amend RSA by inserting after chapter 77-B the following new chapter:

CHAPTER 77-C [NEW]**MISCELLANEOUS TAX DIVISION**

77-C:1 Division Established. There shall be a miscellaneous tax division within the tax commission, under the executive management of a director. All the powers, duties, functions and administration heretofore residing in the divisions of tobacco products and meals and rooms are transferred to the miscellaneous tax division. All duties, powers and responsibilities heretofore residing in the directors of these two divisions, and wherever they are referred to by statute, are transferred to the director of the miscellaneous tax division.

77-C:2 Director; Duties. A director of the miscellaneous tax division, shall be appointed under the personnel law, by the tax commission. He shall, in addition to performing the duties and functions prescribed in RSA 77-C:1, be responsible for, and have all the powers provided to the tax commission for the collection of taxes against persons or property in unincorporated places or unorganized towns pursuant to RSA 81. He shall have the power and duty to collect taxes upon the transfer of real property pursuant to RSA 78-B, taxes assessed against railroads and public utilities pursuant to RSA 82, the franchise tax, pursuant to RSA 83-B and the tax on banks pursuant to RSA 84, and such other duties as the tax commission may assign to him.

77-C:3 Deputy Director. There shall be a deputy to the director who shall be appointed in the same manner as the director. He shall perform such duties as the director may assign to him. In the absence of the director, he shall perform the duties of the director, and shall during the director's absence, have all the director's powers and duties.

481:2 Transfer of Personnel, Property and Records. All personnel, property and records of the divisions of tobacco products and meals and rooms are hereby transferred to the miscellaneous tax division.

481:3 Reallocation of Positions. The tax commission may reallocate the positions of any employees or any directors of the two divisions herein transferred, or employees or equipment of the interest and dividends tax division as the commission may determine, to obtain the most efficient operation of the miscellaneous tax division. No employee transferred hereby, shall be reduced in grade, nor shall the transfer eliminate any then existing grade within the classified service, unless such position shall then be vacant, or if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified employee within the tax commission, transferred hereunder, shall be required to take an examination to retain his grade.

481: 4 Transfer of Funds. All moneys appropriated to the divisions of meals and rooms, tobacco products and for salaries of personnel of the interest and dividends tax division who are transferred to the miscellaneous tax division are hereby transferred to the miscellaneous tax division.

481: 5 Filing of Certificate of Decision. Amend RSA 82: 16 by striking out said section and inserting in place thereof the following:

82: 16 Certificate of Decision. The tax commission shall file with the director of the miscellaneous tax division, certificates of their decisions.

481: 6 Bond. The director and deputy director shall each furnish a bond in an amount set under RSA 93.

481: 7 Effective Date. This act shall take effect July 1, 1971.

[Approved July 2, 1971.]

[Effective date July 1, 1971.]

CHAPTER 482.

AN ACT ESTABLISHING A DIVISION OF REAL AND PERSONAL PROPERTY APPRAISALS WITHIN THE TAX COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

482: 1 New Chapter. Amend RSA by inserting after chapter 77-C the following new chapter:

CHAPTER 77-D [NEW]

REAL AND PERSONAL PROPERTY APPRAISALS DIVISION

77-D: 1 Division Established. There shall be a real and personal property appraisals division within the tax commission, under the executive management of a director.

77-D: 2 Director; Duties. A director of the real and personal property division shall be appointed under the personnel law by the tax commission. He shall assist municipalities in appraisals and valuations as provided in RSA 71: 29. He shall administer the provisions of RSA 71: 30; assess the taxes in the unincorporated places, pursuant to RSA 81, assess the taxes for school purposes in the unorganized towns; appraise state owned forest and recreation land pursuant to RSA 219 and RSA 216-A; administer the provisions of the forest conservation act as it applies to timber cut in unincorporated places, assess resident taxes in the unincorporated places; and in all such assessments, commit a warrant to the appropriate division of the tax commission for collection. Biennially the director shall, by surveys determine the proper equalization of locally taxable properties in cities and towns and places, and report his findings to the commission. He shall also make periodic appraisals pursuant to RSA 72: 11 and 11-a, and submit his findings to the commission. He shall prepare a standard appraisal manual for the use of assessing officials, and hold meetings throughout the state with such officials to instruct them in appraising property, and the use of data processing in preparing tax rolls.

77-D: 3 Deputy Director. There shall be a deputy to the director who shall be appointed in the same manner as the director. He shall perform such duties as the director may assign to him. In the absence of the director, he shall perform the duties of the director, and shall during the director's absence, have all the director's powers and duties.

482: 2 Implementation. The tax commission is directed to reallocate and transfer such existing and authorized personnel within the commission staff as may be necessary to effectuate the purposes of this act. No permanent classified employee transferred hereunder, shall be reduced in grade, nor shall he be required to take an examination to retain his grade, and his transfer shall only be made to an equivalent or higher paid position of like tenure.

482: 3 Costs. All costs for salaries and expenses for the operation of this division shall be a charge against the appropriation for the tax commission office of administration.

482: 4 Effective Date. This act shall take effect July 1, 1971.

[Approved July 2, 1971.]

[Effective date July 1, 1971.]

CHAPTER 483.

AN ACT PERMITTING A VARIATION IN THE RATE OF INTEREST ON A READVANCE UNDER A MORTGAGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

483: 1 Variation of Interest Rates for Readvance Under a Mortgage. Amend RSA 479: 4 as amended by 1955, 64: 1 by inserting at the end thereof the following (The interest rate charged on such readvance need not be the same as that set forth in the original note.) so that said section as amended shall read as follows:

479: 4 —Priority. Any sum or sums which shall be loaned by the mortgagee to the mortgagor at any time after the execution of any mortgage hereafter made shall be equally secured with and have the same priority as the original indebtedness, to the extent that the aggregate amount outstanding at any one time when added to the balance due on the original indebtedness shall not exceed the amount originally secured by the mortgage. The interest rate charged on such readvance need not be the same as that set forth in the original note.

483: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 484.

AN ACT TO ENLARGE THE POWERS OF MEDICAL SERVICE CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

484:1 Definition Revised. Amend RSA 420:1 by striking out said section and inserting in place thereof the following:

420:1 Definition. A medical service corporation is defined as a non-profit sharing corporation without capital stock organized under the laws of the state for the purpose of establishing, maintaining and operating a non-profit medical service plan whereby medical service may be provided at the expense of said corporation by providers to subscribers to said plan under contract entitling such subscribers to certain medical service. A non-profit medical service plan is any plan or arrangement operated by a medical service corporation under the provisions of this chapter, and whereby the expense of medical service to subscribers and other covered dependents is paid by the corporation to participating providers of such plans or arrangements. A subscriber is a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of medical services for which the corporation is liable to make payment and which constitutes the contract between the subscriber and the corporation. A covered dependent is the spouse, an adult dependent or a child or an adopted child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate. A participating provider is any physician, osteopath, dentist or podiatrist duly licensed to practice his profession in either the state of New Hampshire or the state of Vermont pursuant to the provisions of law in the state in which such provider practices, who agrees in writing with the corporation to perform services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be determined by its board of directors, and who agrees to abide by the by-laws, rules and regulations of the corporation applicable to participating providers. Medical service includes all general and special health-related services and supplies as provided for in the subscription certificate. Every such corporation shall be governed by this chapter and all applicable provisions of Title XXXVII wherein such corporations are specifically included with the exception of the premium tax provisions.

484:2 License Restrictions. Amend RSA 420:3, II by striking out all after the numerals "13" in line three so that said paragraph as amended shall read as follows:

II. RESTRICTION. No medical service corporation organized under the laws of any other state or country shall be licensed to do business in this state except as provided by section 13.

484:3 Nature of Services to be Furnished. Amend RSA 420:5, (2) by striking out said paragraph and inserting in place thereof the following:

(2) A statement of the nature of the services or supplies to be furnished and the period during which they will be furnished, and if there are any services to be excepted a detailed statement of such exceptions shall be printed with the same prominence as the benefits to which they apply.

484:4 Statements in Applications. Amend RSA 420:5, (5) by striking out said paragraph and inserting in place thereof the following:

(5) A statement that no statement by the subscriber in his application for a contract shall void the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract.

484:5 Statement as to Benefits. Amend RSA 420:5, (7) by striking out said paragraph and inserting in place thereof the following:

(7) A statement that all benefits payable shall be paid to the participating providers except those in reimbursement of payments made by the subscriber to a provider and for which the corporation was liable at the time of payment.

484:6 Management. Amend RSA 420:7 by striking out said section and inserting in place thereof the following:

420:7 Management. The board of directors or trustees of a medical service corporation may consist of members of the public, subscribers, and such persons as may be nominated by the New Hampshire Medical Society and the Vermont Medical Society. The approval of said New Hampshire Medical Society shall be required for a majority of the directors or trustees who are residents of New Hampshire, and the approval of said Vermont Medical Society shall be required for a majority of the directors or trustees who are residents of Vermont. No medical service corporation shall impose any restrictions on participating providers who administer to its subscribers as to methods of diagnosis or treatment. No officer, agent or employee of a medical service corporation shall influence or attempt to influence a subscriber or a covered dependent in his choice of a participating provider. No medical service corporation shall be liable for injuries resulting from negligence, malfeasance, nonfeasance or malpractice on the part of any officer or employee or on the part of any provider in the course of rendering medical services to subscribers. No medical service corporation shall invest its funds otherwise than as provided in RSA 411 relating to the investments of domestic life insurance companies. Every medical service corporation shall have the power to contract with any hospital service corporation or with any insurance company approved by the insurance commissioner for the performance by such hospital service corporation or by such insurance company of any services necessary or incidental to the carrying on of medical service, provided the approval of the insurance commissioner therefor is obtained. Nothing in this chapter shall be construed as preventing any non-profit hospital plan organized under the provisions of RSA 419, from providing services incidental to hospital care.

484:7 Agreements with Participating Providers. Amend RSA 420:8 by striking out said section and inserting in place thereof the following:

420:8 Agreements with Participating Providers. Any medical service corporation may enter into agreements with eligible persons whereby such persons become participating providers of a plan operated by the corporation and may make to such persons such payments as shall have accrued by reason of services required to be performed or supplies furnished under the plan and performed or furnished on behalf of the corporation by such person. Any medical service corporation may enter into contracts for the payment of medical services to the subscribers or members of similar non-profit medical service corporations of other states subject to the supervision of such other states, or of counties of this state in which the corporation does not transact business, and shall have the right to reimburse any other non-profit medical service corporation or providers of another state or

of counties of this state in which the corporation does not transact business for services rendered to its subscribers and their dependents at the same rate paid participating providers under the certificate of the subscriber. There shall be included in the minutes of the board of trustees or directors of every such organization a record of the approval of payments to be made to participating providers. The corporation shall maintain in its office complete records of all medical services rendered to subscribers and covered dependents in such form as will include the kind of services rendered, the amounts claimed for such services by the participating providers and the amount paid by the corporation. No payment to any participating provider shall be authorized by the board of trustees or board of directors except in accordance with a plan of payments adopted by the board and recorded in the minutes of the meeting.

484: 8 Additional Powers. Amend RSA 420 by inserting after section 10 the following new section:

420: 10-a [New] Additional Corporate Powers. In addition to all other powers conferred by this chapter, any medical service corporation may contract to furnish administrative services to any health-related organization, agency or entity, and may also include in a medical service plan provisions for furnishing to its subscribers, pursuant to their subscription certificates, other health-related services such as physio-therapy, nursing care, prescription drugs and related supplies and appliances.

484: 9 Reports. Amend RSA 420: 9 as inserted by 1943, 166: 1 by striking out said section and inserting in place thereof the following:

420: 9 Reports and Examinations. Every such corporation shall annually, on or before the first day of March, file in the office of the insurance commissioner of the state a statement, verified by at least two of its principal officers, showing its condition on the thirty-first day of December then next preceding, which shall be in such form and contain such matters as said commissioner shall prescribe. Examination of the financial condition of each such corporation by the insurance commissioner or his representative shall be made at least biennially. The insurance commissioner, or any deputy or examiner or any other person whom he shall appoint, shall have the power of visitation and examination into the affairs of any such corporation and free access to all of the books, papers, documents that relate to the business of the corporation, and may summon and qualify witnesses under oath and examine its officers, agents, or employees or other persons in relation to the affairs, transactions and condition of the corporation. All costs of such examinations shall be paid by the corporation. All costs of acquisition and of management activities shall be under the supervision of the insurance commissioner.

484: 10 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 485.

AN ACT RELATIVE TO COUNTY BONDS AND NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

485:1 Method of Sale. Amend RSA 28:24 (supp) as amended by 1969, 383:2 by striking out said section and inserting in place thereof the following:

28:24 Sale. All county bonds and notes, except tax anticipation notes maturing in less than one year, shall be sold (1) at public sealed bidding, (2) only after an advertisement calling for bids at least once in each of two successive calendar weeks in a newspaper of general circulation in the state of New Hampshire, and (3) to the highest bidder. Provided, however, that the county commissioners may reject any and all bids and may negotiate for said sale upon terms which they deem most advantageous to the county. Any bond sold under the provisions of this chapter shall not be sold for less than par.

485:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 486.

AN ACT INCREASING THE POWER OF THE STATE FIRE MARSHAL,
INCREASING THE MEMBERSHIP OF THE STATE BOARD OF FIRE
CONTROL AND MAKING ITS FUNCTIONS ADVISORY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

486:1 Increased Membership. Amend RSA 153:2 by striking out said section and inserting in place thereof the following:

153:2 Membership and Organization. There shall be a state advisory board of fire control consisting of nine members appointed by the governor with the advice and consent of the council. The members shall be persons with experience and background in (1) a manufacturing industry; (2) the storage of petroleum products and in standard safety precautions with reference thereto; (3) the position of forest fire warden and who is a chief of a volunteer or full-time fire department; (4) fire insurance underwriting, including knowledge of national standards of construction, causes of fire loss and regulations pertaining to fire safety; (5) the position of chief of a municipal fire department; (6) a registered architect; (7) a chemical engineer; (8) an electrical engineer; and (9) the position of chief of a volunteer fire department. Members shall be appointed for terms of five years. One member of the board shall be designated as chairman thereof by the governor.

486:2 Duties of Board. Amend RSA 153:4 as amended by 1955, 190:7, by striking out said section and inserting in place thereof the following:

153:4 Duties. The board shall meet with the state fire marshal not less than four times each year. They shall recommend in writing to the state fire marshal such rules and regulations or revision of rules and regulations as the board believes will effectuate the purposes of this chapter. They shall act in a continuing advisory capacity to the state fire marshal on any other matters pertaining to his duties under this chapter.

486:3 New Section. Amend RSA 153 by inserting after section 4 the following new section:

153:4-a [New] Duties of State Fire Marshal. The state fire marshal shall be responsible for supervising and enforcing all laws of the state relative to the protection of life and property from fire, fire hazards and related matters, for supervising and enforcing all laws of the state relative to the storage, handling and transportation of explosives, and shall assist the several counties, cities, towns, village districts and precincts in supervising and enforcing local laws, bylaws and ordinances where existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles and explosives; (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) the construction, maintenance and regulation of fire escapes; (e) the means and adequacy of exit, in case of fire, from factories, asylums, hotels, hospitals, churches, schools, halls, theatres, amphitheatres, nursing and convalescent homes, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and (f) the investigation of the cause, origin and circumstances of fires, and (g) the transportation, storage and physical handling of flammable liquids which he believes dangerous to the lives or safety of the citizens of the state. It shall be his duty and responsibility to coordinate the activities of his office with duly authorized city, town, and village district, fire and building department officials and other state and local agencies required and authorized by state statutes or local ordinances to develop or enforce fire safety regulations. It shall further be the duty and responsibility of the state fire marshal to assist, cooperate with, advise and counsel the associate advisors in the organization and efficient operation of fire departments and other fire protection organizations.

486:4 Rules and Regulations by State Fire Marshal. Amend RSA 153:5 as amended by 1955, 190:8, by striking out said section and inserting in place thereof the following:

153:5 Rules and Regulations. The state fire marshal may promulgate such reasonable standard rules and regulations to accomplish the intent and purposes of this chapter as he shall deem necessary, not inconsistent with the provisions hereof or any law of this state. Such rules and regulations shall be adopted only after public hearing, notice of which shall be published in a paper of general circulation in the state at least fifteen days before holding such hearing. The rules authorized hereunder shall be in accordance with established practicable means for securing safety to persons and property from fire or fire hazards, and for the storage, handling and transportation of explosives, and shall not be discriminatory in respect to persons engaged in like or similar businesses or industries. Notice containing a general statement of the contents of such rules and regulations adopted by the state fire marshal shall be published at least twice in some newspaper of general circulation in the state, if their application is general, or in some newspaper of local circulation, if their applica-

tion is local, as provided in RSA 153:14, together with information as to where the full text of such rules and regulations may be obtained by any person, and the state fire marshal shall also give notice thereof by registered mail to each person interested therein who shall have registered with the state fire marshal his name and address with a request to be so notified, and such rules and regulations shall become effective upon such date subsequent to the published notice, and notice to interested persons, required hereunder as may be specified by the state fire marshal therein. Such rules and regulations shall not apply to the storage, handling and transportation of explosives which conform to the laws of the United States or to regulations issued by any agency or administrative board of the United States. The application of such rules and regulations to installations, plants or equipment shall be limited to subsequent construction, remodeling or replacement of installations, plants and equipment and shall not apply to existing installations, plants or equipment otherwise covered thereby unless the state fire marshal shall find that the continuation thereof is inimical to the public welfare and safety and requires immediate correction.

486:5 Review of Regulations. Amend RSA 153:6 by striking out in lines eleven and twelve the word "board" and inserting in place thereof the words (state fire marshal) so that said section as amended shall read as follows:

153:6 —Review. Any person or corporation aggrieved by any such rule or regulation may apply by petition to the superior court in the county in which such person or corporation resides or has its principal place of business, for a review of such rule or regulation, within ninety days after the effective date thereof. No such petition shall suspend the operation of the rule or regulation complained of; provided that the superior court may order a suspension of such rule or regulation pending the determination of such petition for review, whenever in the opinion of the court, justice may require such suspension. In the trial of such petition for review, the court shall consider not only the record of evidence presented to the state fire marshal but also such additional evidence as the parties may offer. The court may hold unlawful and set aside rules and regulations of the state fire marshal found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege or immunity; (3) in excess of statutory jurisdiction, authority or limitations; (4) without observance of procedure required by law; (5) unsupported by substantial evidence; or (6) unwarranted by the facts as found by the court. The court may make such final order or decree as justice may require.

486:6 Qualifications of State Fire Marshal. Amend RSA 153:7 by striking out said section and inserting in place thereof the following:

153:7 State Fire Marshal. There shall be a state fire marshal who shall be a citizen of this state and shall be technically qualified by training and experience in the prevention, extinguishing and investigation of fires at the time of his appointment. He shall be appointed by the governor and council from a list of at least three nominees submitted by the state advisory board of fire control for an indefinite term, which shall not extend beyond his sixty-fifth birthday. He shall be subject to removal at any time by the governor and council for inefficiency, neglect of duty, or malfeasance in office, after hearing, with reasonable notice in writing of the charges against him. The office of the state fire marshal shall be located in Concord

in suitable quarters provided by the state. He shall receive the annual salary prescribed by RSA 94: 1-4. Such officer shall devote his entire time to the duties of the office and he shall discharge such duties and responsibilities as are delegated to him by law.

486: 7 Deputies and Assistants. Amend RSA 153: 8 by striking out said section and inserting in place thereof the following:

153: 8 —Deputies and Assistants. The state fire marshal shall fix the term of employment for a deputy fire marshal and, subject to the state personnel regulations, and within the limits of available appropriations and funds, may employ such assistants, as may be necessary.

486: 8 Preparation of Report Forms by State Fire Marshal. Amend RSA 153: 11 as amended by 1957, 59: 1; 1959, 12: 1 and 1971, 115: 1 by striking out said section and inserting in place thereof the following:

153: 11 Report of Causes and Origins of all Fires. Every fire occurring in this state shall be reported in writing to the state fire marshal within ten days after the occurrence of the same by the appropriate associate advisor and shall be in the form prescribed by the state fire marshal and shall contain a statement of all facts relating to the cause and origin of such fire, so far as possible, the extent of damage thereof and the insurance upon such property, and such other information as may be required. Fires resulting in losses of less than fifteen hundred dollars need not be reported. The state fire marshal shall cause to be prepared necessary instructional data for the associate advisors and sufficient forms for their use in the reports required hereby and cause them to be printed and sent to each associate advisor. When the cause, origin and circumstances of any fire occurring in any city, town, village district or precinct in this state indicates that such fire was the result of design, or of suspicious origin the associate advisor shall immediately notify the chief of police, the county attorney and the state fire marshal.

486: 9 Insurance Company Reports to State Fire Marshal. Amend RSA 153: 13 as amended by 1957, 225: 1 and 1971, 115: 2 by striking out said section and inserting in place thereof the following:

153: 13 Reports of Insurance Companies. Every fire insurance company transacting business in this state is hereby required to file with the state fire marshal through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, a monthly report of fire losses showing the name of the assured, designating the class of occupancy, location of the property burned and probable causes of fire. Losses under fifteen hundred dollars need not be included in such reports. In the case of a fire of suspicious origin a preliminary report shall be made immediately through such bureau or association of companies or through some officer of the insurance company, showing the name of the assured, the date of the fire, location, occupancy, and such facts and circumstances as shall come to their knowledge and tending to establish the cause or origin of the fire.

486: 10 State Fire Marshal to Promulgate Regulations for Certain Towns and Cities. Amend RSA 153: 14 as amended by 1955, 190: 9 by striking out said section and inserting in place thereof the following:

153: 14 Fire Safety Measures.

I. For cities, towns, village districts and precincts not having local laws and ordinances, and those cities, towns, village districts and precincts whose existent laws and ordinances do not afford the necessary fire safety measures, the state fire marshal shall make and promulgate reasonable rules and regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials and rubbish, explosive or flammable fluids or compounds, tablets, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. These rules shall apply to the construction or remodeling of buildings and plants for flammable liquids and shall apply to new installation of and replacement of equipment for flammable liquids. These rules shall also apply to existing buildings, plants or equipment, which were not previously but are hereafter used for flammable liquids, but shall not apply to existing buildings, plants, structures or equipment now used for flammable liquids unless the state fire marshal shall determine the conditions constitute a fire hazard. These rules shall be adopted in conformity with the procedure set forth in RSA 153: 5 and shall be subject to judicial review as provided in RSA 153: 6. Any city, town, village district and precinct may adopt the rules and regulations of the state fire marshal by reference thereto, as a part of its local laws and ordinances.

II. The state fire marshal, or his authorized officers, upon complaint or whenever he or they shall deem it necessary, may inspect all buildings and premises within their jurisdiction. Whenever any of the said officers shall find any building or other structure which, for want of repairs, lack of, or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or other dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, or whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such buildings or to property therein, or to lives and safety of the public, he shall order the same to be removed or remedied by written order. If such order requires a structural change or alteration, it must be approved by the state fire marshal before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order. Provided, however, that any such owner, who is aggrieved by any such order, may within fourteen days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order; and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

III. Service of orders issued under paragraph II shall be made by a sheriff or his deputy if the residence of the owner is within the state, and by an officer authorized to serve legal process, if without the state. An attested copy of such order shall also be contemporaneously served upon the tenant or occupant of the property, if any, in like manner. If the owner is not a resident of this state and his residence is unknown, the state fire marshal may institute proceedings in equity in the superior court to enforce its order and service thereof shall be made upon the tenant or occupant of the property, if any, and in such further manner as the court may order. In such case the court shall render such final decree on the state fire marshal's order as justice may require.

486: 11 Section Heading Change. Amend RSA 153: 15 by striking out the heading, and inserting in place thereof the words (—Bond on Appeal from State Fire Marshal Order).

486: 12 Orders of State Fire Marshal. Amend RSA 153: 16 by striking out said section and inserting in place thereof the following:

153: 16 —Failure to Comply with Order.

I. If any owner fails to comply with the lawful order of the state fire marshal under RSA 153: 14, paragraph II, or with the order as modified on appeal as herein provided, and within the time fixed, then the state fire marshal is hereby empowered and authorized to cause such order to be carried out and executed, at the expense of such owner.

II. If such owner within thirty days thereafter fails, neglects or refuses to pay the state fire marshal the expenses thereby incurred by it, the state fire marshal may proceed against such person or persons to recover the same in an action at law in the superior court. Said expenses for labor and material incurred by the state fire marshal pursuant to the provisions hereof shall be a lien upon the property as provided in RSA 447: 2-6, inclusive.

III. Any owner or occupant failing to comply with an order of the superior court within thirty days after such appeal shall have been determined, as provided in RSA 153: 14, II, or, if no appeal is taken, then within thirty days after the expiration of the time limit specified in the state fire marshal's order, shall be liable to a penalty of twenty dollars for each day's neglect thereafter.

IV. The penalty herein provided may be recovered in an action at law brought in the superior court of the county where such property is located in the name of the state, by the state fire marshal, and the county attorney.

486: 13 State Fire Marshal to Investigate Complaints. Amend RSA 153: 17 by striking out said section and inserting in place thereof the following:

153: 17 Local Laws and Ordinances. In the cities, towns, village districts and precincts having local laws or ordinances in matters embraced in RSA 153: 14, upon complaint of any person or persons that compliance with such laws or ordinances is not being effected, the state fire marshal shall cause such complaint to be investigated and if such complaint is substantiated he shall have the authority to take the action necessary to enforce such local laws and ordinances.

486: 14 Duty to Report Fire or Explosion with Death Resulting. Amend RSA 153: 18 by striking out said section and inserting in place thereof the following:

153: 18 Investigations. The state fire marshal may, in addition to the reports made by any associate advisor, whenever he deems it expedient or advisable, investigate or cause to be investigated, the cause, circumstances and origin of any fire occurring in the state, by which property is endangered, damaged or destroyed, and may especially examine and decide whether the same was the result of carelessness or design. He shall have the power vested in a justice of the peace to compel the attendance of witnesses to testify before him upon inquiry. Any fire or explosion occurring where death results, shall be reported immediately to the office of the state fire marshal by the associate advisor, and the office of the state fire

marshal shall investigate the fire or explosion within forty-eight hours after receiving said report.

486: 15 Witness Fees. Amend RSA 153: 20 by striking out in line two the words "board or the" so that said section as amended shall read as follows:

153: 20 —Witness Fees. Each person summoned and testifying before the state fire marshal shall receive from the state treasurer, on certificate of the state fire marshal, for witness fees and mileage, such sums as are provided for similar activities in the superior courts of this state.

486: 16 Entry. Amend RSA 153: 21 by striking out in line eight the word "board" and inserting in place thereof the words (state fire marshal) and by striking out in line ten the word "chapter" so that said section as amended shall read as follows:

153: 21 —Entry. The state fire marshal or his authorized officers may at all reasonable hours enter any building or premises, at the request of any associate advisor, for the purpose of making an inspection or investigation which, under the provisions hereof, he may deem necessary to be made. If the owner or occupant refuses to permit such inspection, the state fire marshal or his authorized officers may if they have reasonable suspicion of the violation of the provisions hereof or of any rule or regulation of the state fire marshal or of any local law or ordinance pertaining to fire prevention, apply under oath for the issuance of a search warrant as provided in RSA 595, and such warrant may issue upon a showing of just cause.

486: 17 Records. Amend RSA 153: 22 by striking out in line one the word "board" and inserting in place thereof the words (state fire marshal) and by striking out in lines one and two, the words "by the state fire marshal" so that said section as amended shall read as follows:

153: 22 Records. The state fire marshal shall cause to be kept and maintained a record of all fires occurring in this state and of all facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such records shall be made daily from the reports made to him by the associate advisors under the provisions hereof. All such records shall be public, except any testimony taken in an investigation under the provisions hereof of which the state fire marshal in his discretion may withhold from the public.

486: 18 Penalty. Amend RSA 153: 24 by striking out said section and inserting in place thereof the following:

153: 24 Penalty for Violation of Regulations. Whoever shall violate any rule or regulation of the state fire marshal issued pursuant to RSA 153: 5 or RSA 153: 14, I, shall upon conviction thereof, be fined not more than one hundred dollars for each offense. All penalties, fees or forfeitures collected under the provisions of this chapter shall be paid into the treasury of the state.

486: 19 Appointments to Board. Nothing contained in this act shall effect the existing term of board members serving on the board of fire control. The first appointments of the four new members provided for in RSA 153: 2, shall be for terms of one, two, three and four years respectively, as designated in their respective appointments.

486: 20 Effective Date. Sections 8 and 9 of this act shall take effect on July 15, 1971. The remaining sections of this act shall take effect upon passage.

[Approved July 2, 1971.]

[Effective date. Sections 8 and 9 of act shall take effect July 15, 1971. Remaining sections of act effective July 2, 1971.]

CHAPTER 487.

AN ACT CHANGING THE NAME OF THE PLYMOUTH VILLAGE FIRE DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

487: 1 Name Changed. On and after the effective date of this section the Plymouth Village Fire District shall be named the Plymouth Village Water and Sewer District.

487: 2 Referendum. At the next regular meeting of the village district or at a meeting called for the purpose, the clerk of the district shall cause to be inserted on a ballot the following question: "Shall the provisions of an act of the general court of 1971 entitled 'An act changing the name of the Plymouth Village Fire District' be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The clerk of the district shall, within ten days after said election, certify to the secretary of state the result of the vote on this question.

487: 3 Effective Date. Section 2 of this act shall be effective upon passage of the act. Section 1 of this act shall take effect as provided in section 2.

[Approved July 2, 1971.]

[Effective date. Section 2 of this act shall take effect July 2, 1971. Section 1 effective as provided in section 2.]

CHAPTER 488.

AN ACT RELATIVE TO A PROGRAM OF RISK-SHARING TO INSURE
POOR RISKS IN THE FIELD OF AUTOMOBILE, AVIATION, PROPERTY,
ACCIDENT AND HEALTH, AND WORKMEN'S COMPENSATION INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

488: 1 New Chapter. Amend RSA by inserting after chapter 404-B (supp) the following new chapter:

CHAPTER 404-C [NEW]

MANDATORY RISK SHARING PLANS

404-C: 1 Establishment of Plans. If the commissioner of insurance finds after a hearing that, in any part of this state, automobile insurance,

aviation insurance, property insurance, workmen's compensation or accident and health insurance is not readily available in the voluntary market, and that the public interest requires such availability, he may, by regulation, either promulgate plans to provide such insurance coverage for any risks in this state which are equitably entitled to but otherwise unable to obtain such coverage or he may call upon industry to prepare plans for his approval.

404-C: 2 Purposes and Contents of Risk Sharing Plans. Any plan promulgated or prepared as provided in RSA 404-C: 1 shall:

I. Give consideration to:

- (a) The need for adequate and readily accessible coverage;
- (b) Alternative methods of improving the market affected;
- (c) The inherent limitations of the insurance mechanism;
- (d) The need for reasonable underwriting standards; and
- (e) The requirement of reasonable loss prevention measures;

II. Establish procedures that will create minimum interference with the voluntary market;

III. Spread the burden imposed by the plan equitably and efficiently within the industry; and

IV. Establish procedures for applicants and participants to have grievances reviewed by an impartial body.

404-C: 3 Persons Required to Participate. Each plan shall require participation by all insurers doing any business in this state of the kinds covered by the specific plan and all agents licensed to represent such insurers doing any business in this state of the types covered by the specific plan and all agents licensed to represent such insurers in this state for the specified types of business, except that the commissioner may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

404-C: 4 Voluntary Participation. The plan may provide for optional participation by insurers not required to participate as provided in RSA 404-C: 3.

404-C: 5 Classifications and Rates. Each plan shall provide for the method of classifying risks and making and filing rates applicable thereto.

404-C: 6 Basis of Participation. The plan shall specify the basis of participation of insurers and agents and the conditions under which risks must be accepted.

404-C: 7 Duty to Provide Service. Every participating insurer and agent shall provide to any person seeking coverages of kinds available in the plans, the services prescribed in the plans, including full information on the requirements and procedures for obtaining coverage under the plans whenever the business is not placed in the voluntary market.

404-C: 8 Commissions. The commissioner shall determine reasonable and adequate commission rates to be paid to agents or brokers for coverage written under this chapter. In determining the reasonableness and adequacy of such commission rates the commissioner shall consider the commission rates paid on similar coverage in the normal market.

404-C: 9 Provision of Marketing Facilities. If the commissioner finds that the lack of cooperating insurers or agents in an area makes the functioning of the plan difficult, he may order that the plan appoint agents in

such a manner and on such terms as he designates or take other appropriate steps to insure that service is available.

404-C: 10 Transition. Procedures established under the existing assigned risk plan as provided in RSA 412:19-a shall continue in effect until and unless changed as provided in this chapter.

404-C: 11 State Contribution for Federally Reinsured Losses and Assessment of Insurers. The commissioner is authorized to assess each insurance company authorized to do business in this state an aggregate amount sufficient to provide a fund to reimburse the United States secretary of housing and urban development as provided in section 1223(a) (1) of the national housing act as amended by section 1103 of the urban property protection and reinsurance act of 1968, P.L. 90-448, 82 Stat. 476. The assessment shall be made on those lines of insurance coverage reinsured during the current year in this state by the United States secretary of housing and urban development pursuant to such chapter. The assessment shall be in the proportion that the premiums earned during the preceding calendar year by each such company in this state bear to the aggregate premiums earned on those lines of insurance in this state by all insurers. The fund may be provided in whole or in part from appropriations by the legislature.

404-C: 12 Recoupment. Rates used by an insurer shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments made under RSA 404-C: 11.

404-C: 13 Voluntary Risk Sharing Plans. Insurers doing business within this state are authorized to prepare voluntary plans providing any specified kind, line or class of insurance coverage or subdivision or combination thereof for all or any part of this state in which such insurance is not readily available in the voluntary market and in which the public interest requires the availability of such coverage. Such plans shall be submitted to the commissioner and if approved by him may be put into operation.

488: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 489.

AN ACT TO ABOLISH THE LEGISLATIVE STUDY COMMITTEE AND TO PROVIDE FOR THE CONTINUING OPERATION OF STANDING COMMITTEES OF THE GENERAL COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

489: 1 New Chapter. Amend RSA by inserting after chapter 17-C (supp) the following new chapter:

CHAPTER 17-D [NEW]

PERMANENT STANDING COMMITTEES OF THE GENERAL COURT

17-D: 1 Committees Authorized. The house of representatives and the senate are authorized to designate permanent standing committees in such

number as they may determine necessary. When created and designated by rule of the house and senate, such permanent standing committees shall exist, both during and between sessions, until the general court is dissolved; and they shall be empowered to exercise all lawful functions and authority of both standing and interim committees including, but not limited to, those powers provided by this chapter.

17-D: 2 Meetings and Rules. Each permanent standing committee of the house and senate shall meet at such times as they shall determine, and are authorized to adopt such rules of procedure as they deem advisable.

17-D: 3 Investigations. Each permanent standing committee of the house and senate is authorized to invite public officials and employees and private individuals to appear before it for the purpose of submitting information to it. Each such committee shall be authorized to maintain a continuous review of the work of the state agencies concerned with its subject area and the performance of the functions of government within each such subject area, and for this purpose, to request reports, from time to time in such form as the committee shall designate, concerning the operation of any state agency and presenting any proposals or recommendations such agency may have with regard to existing laws or proposed legislation in its subject area.

17-D: 4 Reports of Permanent Standing Committees. Each permanent standing committee of the house and senate shall prepare a report or reports of its findings and submit it to the speaker of the house and president of the senate prior to the time at which the session of the legislature by which the committee was established is dissolved.

17-D: 5 Assistance to Committees. The office of legislative services is hereby authorized and required to furnish to each permanent standing committee of the house and senate such technical and clerical assistance, within the limitations of the legislative budget, as may be necessary to carry out its duties and functions. The office of legislative services shall assist the committees in the preparation of their reports, provide such assistance to their meetings as they shall direct, and maintain and preserve their reports and records to provide a continuity of information from biennium to biennium.

489: 2 Repeal. RSA 17-B (supp) relative to the legislative study committee is hereby repealed.

489: 3 Effective Date. This act shall take effect upon its passage.
[Approved July 2, 1971.]
[Effective date July 2, 1971.]

CHAPTER 490.

AN ACT RELATIVE TO THE DOLLAR LIMITATION ON RECOVERY IN WRONGFUL DEATH ACTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

490: 1 Wrongful Death Actions. Amend RSA 556: 12 by striking out said section and inserting in place thereof the following:

556:12 Damages for Wrongful Death, Elements. If the administrator of the deceased party is plaintiff, and the death of such party was caused by the injury complained of in the action, the mental and physical pain suffered by the deceased in consequence of the injury, the reasonable expenses occasioned to his estate by the injury, the probable duration of his life but for the injury, and his capacity to earn money during his probable working life, may be considered as elements of damage in connection with other elements allowed by law, in the same manner as if the deceased had survived.

490:2 Limitation. Amend RSA 556:13 (supp) as amended by 1957, 91:1; 1963, 98:1 and 1967, 344:1 by striking out said section and inserting in place thereof the following:

556:13 Limitation of Recovery. In cases where the plaintiff's decedent has left neither a widow, widower, child, father, mother, grandfather, or grandmother, the damages recoverable in any such action shall not exceed thirty thousand dollars. In all other cases the damages recoverable in any such action shall not exceed one hundred twenty thousand dollars; provided, however, that in the trial of any such action by jury, the jury shall not be informed of the limitation of recovery imposed by this section, and if the jury awards damages in excess of such limitation the court shall reduce the amount of damages awarded to conform to such limitation.

490:3 Damages. Amend RSA 556:14 by striking out said section and inserting in place thereof the following:

556:14 Distribution of Damages. In such cases, the damages recovered, less the expenses of recovery, expenses of administration, taxes or other debts as approved by the probate court, shall become a part of the decedent's estate and be distributed in accordance with the applicable provisions of law.

490:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 491.

AN ACT RELATIVE TO PUBLICATION OF POLITICAL CONTRIBUTIONS AND EXPENDITURES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

491:1 Political Contributions. Amend RSA 70:5 (supp) as amended by 1955, 273:1 and 1971, 6:8 by striking out said section and inserting in place thereof the following:

70:5 Statement by State Committee. The state committee of a political party shall, not later than the Wednesday preceding a biennial or special election before five o'clock in the afternoon file with the secretary of state, an itemized statement, signed and sworn to by its chairman and treasurer, showing each of its receipts with the full name and post-office address of the contributor in alphabetical order and the amount of the

contribution, and each of its expenditures or contracts calling for expenditures, with the full name and address of persons, corporations, committees, or to whomever paid or to be paid in alphabetical order, with the specific nature and amount of each expenditure, since the date of the last election; except, if contributions through a local party committee or disbursements to a local party committee do not exceed three hundred dollars per committee, no detailed accounting of the further source or recipients of such amounts need be made. Not later than the second Friday after said election before five o'clock in the afternoon another itemized statement, signed and sworn to by the same officers, shall be likewise filed. Enough additional copies of the statement shall be filed to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

491:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 492.

AN ACT PROVIDING JUNIOR AND CHILD SKI RATES FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

492:1 Ski Rates. Amend RSA 227:14 (supp) as inserted by 1967, 352:2 and amended by 1971, 137:1 by striking out said section and inserting in place thereof the following:

227:14 [New] Reduced Rates. Season tickets shall be made available to all state residents. A discount of twenty-five percent shall be given by the division to state residents, when certified as such by their respective town clerks, on all season tickets and coupon books sold prior to December fifteenth of each year for winter facilities at Mt. Sunapee and Cannon Mountain state ski areas. Any person who is a full-time student and who has not attained the age of nineteen by May first of the year following any winter season shall be eligible for a junior season ticket, and all minors who have not attained the age of fifteen years by May first of the year following any winter season shall be eligible for a child's season ticket.

492:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 493.

AN ACT RELATIVE TO THE DATE OF EXPIRATION OF LEGISLATIVE
NUMBER PLATES AND RELATIVE TO COLOR OF LETTERING
ON SAID PLATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

493:1 Time of Expiration. Amend RSA 260:11-a as inserted by 1959, 226:1 by striking out said section and inserting in place thereof the following:

260:11-a Legislative Number Plates. Notwithstanding any other provisions of law any motor vehicle number plates issued to a member of the general court shall expire on the second Wednesday of January after the expiration of his term of office as such member.

493:2 Design of Plates, Fees, Expiration. Amend RSA 260:10-b as inserted by 1967, 314:1 by striking out said section and inserting in place thereof the following:

260:10-b [New] State Seal. On the special number plates issued under the provisions of section 10 to members of the senate or their spouses and members of the house of representatives or their spouses there shall be a reproduction of the seal of the state. If requested, United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, president of the senate, and speaker of the house of representatives may have special motor vehicle plates with the reproduction of the state seal thereon. The fee for such special number plates shall be one dollar. The plates with the reproduction of the state seal, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Said special plates shall be effective for a period of two years. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 494.

AN ACT INCREASING THE MINIMUM WAGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

494:1 Minimum Wage. Amend RSA 279:21 (supp) as amended by 1955, 288:1; 1957, 311:1; 1959, 275:1; 1963, 203:1 and 1967, 440:10 by striking out the introductory paragraph and inserting in place thereof the following:

No person, firm or corporation shall employ any employee at a rate lower than that required by the federal minimum wage law, as amended. The foregoing limitation shall in no way affect existing state coverage as defined herein.*

* Note. This paragraph was further amended by 1971, 552:1.

494: 2 Repeal. RSA 279: 21, III relative to certain wages, is hereby repealed.

494: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1971.]

[Effective date August 31, 1971.]

CHAPTER 495.

AN ACT PROVIDING FOR THE APPOINTMENT OF A SUPERINTENDENT OF THE HOUSE OF CORRECTIONS AND JAIL OF BELKNAP COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

495: 1 Appointment Authorized. Amend RSA 28 by inserting after section 11 the following new section:

28: 11-a [New] Superintendent of Belknap County House of Correction. Notwithstanding the provisions of RSA 28: 11 and RSA 620: 2, the commissioners of Belknap county may appoint a superintendent of the Belknap county house of correction and jail in addition to a superintendent of the Belknap county farm.

495: 2 Person not Eligible. Amend RSA 28: 13 by adding at the end thereof the words (or of the county house of correction and jail) so that said section as amended shall read as follows:

28: 13 Ineligibility to be Superintendent. No county commissioner shall be superintendent of the county farm or of the county house of correction and jail.

495: 3 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1971.]

[Effective date July 2, 1971.]

CHAPTER 496.

AN ACT REGULATING THE POWERS OF THE NEW HAMPSHIRE AMERICAN REVOLUTION BICENTENNIAL COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

496: 1 Additional Powers. Amend 1969, 455, as amended by 1970, 56: 14, by inserting after section 4-a the following new sections:

455: 4-b [New] Further Powers. The New Hampshire American Revolution Bicentennial Commission, as established by 1969, 455: 4 and 4-a (as inserted by 1970, 56: 14) may, subject to the approval of the governor and council, enter into contracts and agreements for the manufacture or printing, and distribution of souvenirs, publications and other items endorsed or approved by it; provided, however, that any said contract or

agreement shall not be an obligation of the state, unless there be an appropriation therefor. Whatever net proceeds of the sales thereof become due and payable to the commission shall be credited to its account by the state treasurer and may be expended in furtherance of its objectives, subject to the approval of the governor and council. The chairman or the treasurer of the commission shall have authority to enter into and sign contracts and agreements as provided for in this section.

455:4-c [New] Cooperation with Other States. In preparing its plans and programs, the commission shall consider any related plans and programs developed by the National American Revolution Bicentennial Commission, the bicentennial commissions, committees or organizations of other states and local and private groups, and it may designate representatives to serve on special committees, organizations, nonprofit corporations or other entities with representatives from such bodies to plan, develop and coordinate specific activities. The committee shall not have the power to obligate the state financially with respect to any such participation unless there be an appropriation therefor.

496:2 Corrections. Amend the Laws of 1969, 455:4 by striking out said section and inserting in place thereof the following:

455:4 American Revolution Bicentennial Commission. There is hereby established the New Hampshire American Revolution Bicentennial Commission for the purpose of cooperating with the national commission for the observance of the two hundredth anniversary of the American Revolution (1775–1783). The said state commission shall be composed of the governor and twenty-five members to be appointed by the governor with the advice and consent of the council. Vacancies shall be filled in the same manner as the original appointments. In addition to cooperation with the national commission, the said state commission shall arrange for appropriate publication, public notice, and celebration, of notable events of the Revolution pertaining to this state including the capture of Fort William and Mary in December 1774, the adoption of the first state constitution in January 1776, New Hampshire's participation in the Battles of Bunker Hill and Bennington and such other like events as the commission may determine. The governor shall be ex officio honorary chairman; and the commission shall elect its own officers, including a chairman, vice chairman, secretary and treasurer. The commission is empowered to accept gifts and grants from whatsoever source and to enter into agreements regarding their expenditure. The state historical commission shall cooperate with and make available its facilities to the work of this commission. Members of this commission shall serve without compensation.

496:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 497.

AN ACT TO ESTABLISH A POLICE STANDARDS AND TRAINING COUNCIL
AND TO PROVIDE EDUCATIONAL AND TRAINING REQUIREMENTS
FOR MEMBERS OF POLICE FORCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

497:1 New Chapter. Amend RSA by inserting after chapter 105 the following new chapter:

CHAPTER 105-A [NEW]

POLICE STANDARDS AND TRAINING

105-A:1 Findings and Policy. The legislature finds: that the administration of criminal justice is of statewide concern; that police work is important to the health, safety, and welfare of the people of this state; that police work is of such a nature as to require education and training of a professional character; that it is in the public interest that such education and training be made available to persons who seek to become police officers, persons who are serving as such officers in a temporary or probationary capacity, and persons already in regular service.

105-A:2 Definitions. As used in this chapter:

I. "Police officer" means any full-time appointed employee of a police department which is administered by the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of this state or any of its political subdivisions.

II. "Council" means the police standards and training council.

105-A:3 Police Standards and Training Council.

I. There is hereby established a police standards and training council. It shall consist of eleven members as follows: two members shall be chiefs of police in towns, two members shall be chiefs of police in cities, two members shall be county sheriffs, two members shall be judges of courts with criminal jurisdiction, the commissioner of education or his designee, the director of the division of state police and the attorney general.

II. Except for the commissioner of education or his designee, the attorney general and the director of the division of state police, who shall serve during their continuance in those offices, members of the council shall be appointed by the governor for terms of two years. No member shall serve beyond the time he no longer holds the office or employment which qualified him for appointment. Any vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment. Persons filling vacancies shall have the same qualifications for office as the member whose vacancy they are filling.

III. The governor annually shall designate a member to be the chairman of the council, and the council annually shall select its vice chairman from among the members of the council.

IV. Notwithstanding the provisions of any statute, ordinance, local law, or charter provision to the contrary, membership on the council shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

V. Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

VI. The council shall hold no less than four regular meetings a year. The chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the council.

VII. The council shall report annually to the governor and legislature on its activities, and may make such other reports as it judges desirable.

105-A:4 Powers. In addition to other powers given to the council by this chapter, it may:

I. Promulgate rules and regulations for the administration of this chapter.

II. Require submission of reports and information from law enforcement agencies within this state that may be pertinent to the effective functioning of the council.

III. Establish minimum educational and training standards for employment as a police officer: (a) in permanent positions, and (b) in temporary or probationary status.

IV. Certify persons as being qualified under the provisions of this chapter to be police officers.

V. Establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or any political subdivisions thereof for the specific purpose of training police recruits or police officers.

VI. Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police training schools and programs or courses of instruction.

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers and police recruits.

VIII. Make or cause to be made studies of any aspect of police education and training or recruitment.

IX. Make recommendations concerning any matter within its purview pursuant to this chapter.

X. Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this chapter.

XI. Adopt and amend bylaws, consistent with law, for its internal management and control.

XII. Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter.

XIII. Accept in the name of the state any and all donations and/or grants both real and personal, from any governmental unit or public agency, or from any institution, person, firm, or corporation. It shall receive, utilize, and dispose of the same subject to budgetary provisions and according to the rules and regulations of the council and consistent with the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the council. The report shall identify the donor, the nature of the donation or grant, and the condition of the donation or grant, if any. Any monies received by the council pursuant to this paragraph shall be deposited in the state treasury to the account of the council and shall not lapse.

XIV. Employ a director and such other personnel as may be necessary to perform its duties. The director shall be an unclassified employee who shall serve at the pleasure of the council, and whose salary shall be set by the

council. All other personnel shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience. This position shall be filled only so long as the director's compensation is paid entirely with federal funds.

105-A: 5 Education and Training Required.

I. At the earliest practical time, the council shall provide by regulation that after one year from the effective date of such regulation, no person shall be appointed as a police officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police training at a school approved by the council. No police officer who lacks the educational and training qualifications required by this paragraph may have his temporary or probationary employment extended beyond two years.

II. The council, by rules and regulations, shall fix other qualifications for the appointment of police officers, including minimum age, physical and mental standards, citizenship, good moral character, experience and other such matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of police officers. The council shall prescribe the means for presenting evidence of the fulfillment of these requirements.

III. The council shall issue a certificate evidencing satisfaction of the requirements of paragraphs I and II to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

IV. Police officers already serving under permanent appointment on the effective date of this chapter shall not be required to meet any requirements of paragraphs I and II of this section as a condition of tenure or continued employment. Failure of any such police officer to fulfill such requirements shall not make him ineligible for any promotional examination for which he is otherwise eligible, nor shall it prevent him from transferring employment as a police officer to another agency within the state. Such officers shall be issued the certificates authorized by section 5, III in the same manner as officers who satisfy the requirements of section 5, I and II.

105-A: 6 Reimbursement of Expenses.

I. The council shall reimburse political subdivisions or the state for a proportion of the salary and of the tuition, living and travel expenses incurred by the officers in attendance at approved training programs as it shall consider reasonable providing such political subdivisions or state agency do in fact adhere to the selection and training standards established by the council.

II. The council shall reimburse political subdivisions or the state all or a portion of the expenses incurred in providing police training programs found by the council to be consistent with the criteria and objectives of this chapter.

497: 2 Director. Amend RSA 94: 1-a (supp) as amended by inserting in proper alphabetical order the following:

Director, police standards and training council	12,000	16,000
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497: 3 Effective Date. This act shall take effect July 1, 1971 and shall cease to be of any further force and effect on June 30, 1973 and on that date is hereby repealed.

[Approved July 6, 1971.]

[Effective date July 1, 1971.]

CHAPTER 498.

AN ACT PERMITTING SUNDAY RACING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

498: 1 Sunday Racing Permitted. Amend RSA 284: 12 by striking out in lines seven and eight the words (No such race or meet shall be permitted on Sunday.) so that said section as amended shall read as follows:

284: 12 Rules and Regulations. Said commission shall make rules and regulations for the holding, conducting, and operating of all running or harness horse races or meets for public exhibition and for the operation of race tracks on which any such race or meet is held. No person, association, or corporation shall conduct, hold or operate any running or harness horse race or meet for public exhibition, at which pari-mutuel pools are sold, without a license from the commission.

498: 2 Establishing the Commission on Sunday Racing. Amend RSA 284: 22 (supp) as amended by 1955, 74: 1; 1957, 122: 1; 1961, 34: 1; 1967, 53: 1 and 1970, 5: 14 by inserting after paragraph I the following new paragraph:

I-a Notwithstanding the provisions of paragraph I of this section, commissions on such pools at tracks or race meets conducting a running horse race or running horse races on Sunday shall be uniform throughout the state at the rate of eighteen percent of each dollar wagered plus the odd cents of all redistribution to be based on each dollar wagered, exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the eight percent tax hereinafter prescribed.

Further amend said section by inserting after paragraph II the following new paragraph:

II-a Notwithstanding the provisions of paragraph II of this section commissions on such pools at tracks or race meets conducting a harness horse race or races on Sunday shall be uniform throughout the state at the rate of eighteen percent of each dollar wagered plus the odd cents of all redistribution to be based on each dollar wagered, exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five and one half percent tax hereinafter prescribed.

498:3 Application. On and after the effective date of this section, Sunday racing shall be permitted in any town which approves the issuance of a license pursuant to RSA 284:17-a.

498:4 Sunday License. Amend RSA 284 by inserting after section 17 the following new section:

284:17-a [New] —Restriction on Sunday Racing. On and after the effective date of this section no license shall be issued by the commission under the provisions hereof for holding a race meet on a Sunday in any town unless and until the town at an annual or special meeting, called for the purpose has by majority vote approved of the issuance of said license in said town.

498:5 Effective Date. Sections 1 and 2 of this act shall take effect upon its passage; and sections 3 and 4 shall take effect on December 30, 1971.

[Approved July 6, 1971.]

[Effective date. Sections 1 and 2 shall take effect July 6, 1971; sections 3 and 4 shall take effect December 30, 1971.]

CHAPTER 499.

AN ACT RELATIVE TO HEALTH SERVICES IN PUBLIC SCHOOLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

499:1 New Subdivision. Amend RSA 200 by inserting after section 25 the following new subdivision:

School Health Services [New]

200:26 Definition. As used in this subdivision the word "child" shall mean any child who attends, or who should attend an elementary, junior high, or senior high school, and shall include any child who attends a public kindergarten or special class for handicapped children which is an integral part of the local school district.

200:27 School Health Services. The local board in each school district may provide school health services to include school nurse services and school physician services to every child of school age in the district as hereinafter provided.

200:28 School Physician. Each school board may appoint one or more school physicians, legally qualified to practice medicine and currently licensed to practice in New Hampshire or immediately adjacent states, and may assign one to the schools in the district and may provide them with all proper facilities for the performance of their duties as relate to the school health program.

200:29 School Nurse. Each school board may appoint a school nurse to function in the school health program, and provide said nurse with proper facilities and equipment. A school nurse shall be a registered professional nurse currently licensed in New Hampshire.

200:30 School Dental Hygienist. Any school board may employ for their district a dental hygienist who is a graduate of an accredited school of dental hygiene and is licensed by the state dental board. Said hygienist shall be under the supervision of a qualified dentist licensed to practice in New Hampshire.

200:31 Additional Health Aides. Any school board may employ for their district a health service aide who is a high school graduate to assist in the school health program, supervised directly by a qualified school nurse.

200:32 Medical Examination of Students. There shall be a complete medical examination by a licensed physician of each child prior to or upon first entry into the public school system and thereafter as often as deemed necessary by the local school authority, provided no medical examination shall be required of a child whose parent or guardian objects thereto in writing on the grounds such medical examination is contrary to his religious tenets and teachings.

200:33 Examination by Family Doctor. In lieu of a medical examination by the school physician any child may present to the local school officials on a form provided by the local school authority and signed by the examining physician, the results of an examination made by the physician of his choice who is currently licensed to practice in at least one state of the United States of America.

200:34 Special Examination. Every child with a presenting problem and found to need further evaluation, after due consideration and evaluation by the appropriate school authority, shall be referred by the school physician or school administrator to the parents or guardian of said child for examination, and evaluation by an appropriate practitioner and if said parents fail or neglect to have said child so examined and fail to present the recommendations from said examiner within a reasonable period after the referral by the school to said parents, then said child may be examined by the school physician, or other qualified personnel.

200:35 Reporting of Defects or Disabilities. The parent or guardian of the child shall be informed or counseled concerning any defects or disabilities discovered and identified through observation, screening procedures or physical examinations. The school nurse may make home visits, arrange parent conferences at school or send written notices as determined pursuant to local school policy.

200:36 Medical Examination of School Personnel. All school personnel, to include but not limited to administrative, secretarial, maintenance, cafeteria and transportation personnel in each school district shall be required to have a pre-employment medical examination by a licensed physician qualified to practice medicine in at least one of the states of the United States of America. Any person who objects to all or part of any medical examination because of religious beliefs shall be exempt from said examination, except that no such exemption shall be granted if state or local authorities determine that such exemption would constitute a hazard to the health of persons exposed to the unexamined individual. The local school board shall further require additional medical examinations at specific intervals or upon the request of the local superintendent of schools during the period of employment. A written recommendation from the examining physician shall indicate that the employee is medically capable of performing his designated assignment.

200: 37 Medical Examination of School Bus Operators. Notwithstanding the provisions of RSA 200: 36, before employing any person as a school bus operator, the authorities in the town or city organization which pays for such transportation shall require that such person shall submit a certificate setting forth the results of a physical examination conducted on such person within thirty days prior to the commencement of such employment. Each year thereafter, either prior to the commencement of the school year or prior to the reemployment of such person as a school bus operator, said authorities shall require submission of a like certificate.

200: 38 Control and Prevention of Communicable Diseases.

I. All children shall be immunized prior to school entrance according to the current recommendations of the state public health agency.

II. Any child may be exempted from the above immunization requirements if he presents evidence from his physician that immunization will be detrimental to his health. A child may be excused from immunization for religious reasons at the discretion of the local school board.

III. All children shall be examined prior to school entrance to detect symptoms of tuberculosis and may be periodically examined during his school experience.

200: 39 Exclusion from School. Whenever any student exhibits symptoms of contagion or is a hazard to himself or others, he shall be excluded from the classroom and his parents or guardians shall be notified as soon as possible.

200: 40 Emergency Care. Written policies shall be adopted by the local school board for the purpose of providing immediate and adequate emergency care for students and school personnel who sustain injury or illness during school hours, or during scheduled school activities.

200: 41 Appropriation. A district may raise money to carry the provisions of this subdivision into effect.

499: 2 Application of Provisions Relating to School Bus Operators. The requirement for a physical examination prescribed by RSA 200: 37, as inserted by section 1, shall take effect on July 1, 1973 but shall not apply to any school bus operator who on the effective date of RSA 200: 37 has entered a contract of employment, regardless of its duration, until the termination or extension of said contract.

499: 3 Repeal. The following sections of RSA are repealed:

I. RSA 200: 1-10 inclusive as amended by 1961, 222: 1 relative to vaccination of school children for communicable diseases and relative to barbed wire adjacent to school property are hereby repealed.

II. RSA 200: 15-25 inclusive as amended by 1961, 222: 1 relative to an optional school health program are hereby repealed.

499: 4 Reference Changed. Amend RSA 189: 49, I (supp) as inserted by 1970, 51: 1 by striking out the letters and numerals "RSA 200: 15-25" and inserting in place thereof the following (RSA 200: 26-41) so that said paragraph as amended shall read as follows:

I. School physician services under the provisions of RSA 200: 26-41.

499: 5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 500.

AN ACT RELATIVE TO THE TAKING OF LAND FOR STATE PARK
FACILITIES IN THE TOWN OF RYE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

500:1 Power of Acquisition Limited. Amend RSA 12-A by inserting after section 16 the following new section:

12-A:17 [New] Park Land in Town of Rye. Notwithstanding any other provision of law to the contrary, the state shall not acquire, for the purpose of expanding or establishing any state park, any land in the town of Rye except land designated "tidal marsh" by the national cooperative soil survey unless a public hearing shall have been held in the town of Rye.

500:2 Effective Date. This act shall take effect upon its passage.

[Approved July 6, 1971.]

[Effective date July 6, 1971.]

CHAPTER 501.AN ACT TO PROHIBIT THE USE OF TRAWLS FOR THE TAKING OF FISH
FROM THE OCEAN WATERS OF NEW HAMPSHIRE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

501:1 Otter Trawls. Amend RSA 211:49 by striking out said section and inserting in place thereof the following:

211:49 Cod, etc. No person shall use a trawl or drag in any form for the taking of cod, haddock, pollack, hake, flounders, striped bass, coho salmon or crustaceans in the Piscataqua river or its tributaries north of the Portsmouth memorial bridge. No person shall use a purse seine or beam trawl or otter trawl towed from the side or the stern of any vessel for the taking of cod, haddock, pollack, hake, flounders, striped bass, coho salmon or crustaceans from the Atlantic ocean within two miles of the shore between the Maine line and the Massachusetts line.

501:2 Penalty. Amend RSA 211:58 (supp) as amended by 1955, 308:5; 1957, 251:2; and 1967, 183:1 by striking out said section and inserting in place thereof the following:

211:58 Penalties. A person who violates a provision of this subdivision shall be fined as follows: For each violation of sections 46, 48, 48-a, and 50, not more than fifty dollars; of section 55, not more than ten dollars; of section 49, not more than one thousand dollars.

501:3 Effective Date. This act shall take effect upon passage.

[Approved July 9, 1971.]

[Effective date July 6, 1971.]

CHAPTER 502.

AN ACT TO PROVIDE FOR ABSENTEE VOTING IN PRIMARY ELECTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

502:1 Primary Elections. Amend RSA 60 by inserting after section 25 thereof the following new subdivision:

Absentee Voting at Primary Elections [New]

60:26 When Permitted. Any voter who is absent from the city, town or place in which he is qualified to vote, on the day of any primary election, or who, by reason of physical disability, is unable to vote in person, may vote at said primary in accordance with the provisions of this subdivision.

60:27 Forms. Prior to each such primary election, the secretary of state shall prepare in such quantities as he may deem necessary the following papers:

I. Official absentee voting ballots similar in form to the official party ballots to be used at said primary, and similarly endorsed but printed on paper differing in color from that used in official or sample ballots.

II. Blank forms of application for such ballots worded as follows:

To the city or town clerk of I hereby apply for an official absentee voting ballot, for the party at the primary. I am a duly qualified voter, am registered as a member of the party, or (I am now applying for a ballot) and am entitled to vote in ward city or town Mail absentee voter's ballot to

(Signature)
(Street and number)
(City or town, state and country)

III. In addition to the forms provided in paragraphs I and II of this section the secretary of state shall also prepare in such quantities as he may deem necessary the papers required by paragraphs III and IV of RSA 60:2.

IV. Copies of this subdivision and sections 7 to 15 inclusive of this chapter, with such explanatory matters and instructions as the secretary of state, with the approval of the attorney general, shall deem appropriate to carry into effect the purposes hereof.

60:28 Forwarding Forms. Secretary of state shall retain for his own use so many of the papers provided for in the preceding section as he may deem sufficient, and shall supply each city and town clerk in the state with as many of them as he may deem necessary. The papers mentioned in paragraphs II and IV of section 27 of this chapter, shall as soon as they can be prepared, be mailed or delivered to any person who applies therefor to the secretary of state or to any city or town clerk.

60:29 Ascertaining if Applicant is on Check-List. When an application for an official absentee voting ballot is received by the clerk of a city or town, whether on the form supplied by the secretary of state, or by written statement, or oral request containing the information required by paragraph II of section 27, said clerk shall check the same forthwith and ascertain if the person is on the check-list of the town or city, and is properly

registered as to party designation. If such person is found to be on such check-list, and to be properly registered, or if such person is found to be on such check-list but is not registered as a member of any party but the information supplied states he is then applying for a ballot of a political party he shall be registered as a member of said party and in either case said clerk shall without delay deliver or mail to such person the papers described in paragraphs I, III and IV of section 27. If the address to which the absentee voter's ballot is sent is outside the continental United States or is in Alaska such papers shall be sent by air mail. Said clerk shall keep lists of the names and addresses, arranged by voting places, of all persons to whom official absentee voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places during the day of the election.

60:30 Application of Statutes. The provisions of sections 5 to 15 inclusive of this chapter as amended shall apply to absentee voting at any primary election.

502:2 Notification to Clerks. Amend RSA 56:9 by striking out in line one the word "sixty" and inserting in place thereof the word (seventy-four) so that said section as amended shall read as follows:

56:9 Notification to Town and Ward Clerks. At least seventy-four days before the time of holding any primary the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing, designating the offices for which candidates are to be chosen and delegates to the state convention to be elected.

502:3 Opening of Filing Period. Amend RSA 56:11 by striking out in line three the word "sixty" and inserting in place thereof the word (seventy-four) so that said section as amended shall read as follows:

56:11 Declaration of Candidacy. The name of a candidate shall not be printed upon an official ballot used at any primary unless not more than seventy-four days prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee shall have been paid, or the required number of primary petitions shall have been filed. No person shall be a candidate for nomination at any primary unless his candidacy is bona fide and is filed with the actual purpose of seeking the nomination.

502:4 Deadlines for Filing Supplementary Petitions. Amend RSA 56:23 (supp) as amended by 1965, 313:2 by striking out in line two the word "forty-six" and inserting in place thereof the word (sixty); further amend said section by striking out in line three the word "forty-nine" and inserting in place thereof the word (sixty-three) so that said section as amended shall read as follows:

56:23 Supplementary Petitions. In such case supplementary petitions may be filed, but not later than sixty days before the primary for those to be filed with the secretary of state, and for all others sixty-three days. The number of days herein given shall include Sundays and shall end on the day before the primary at five o'clock in the afternoon.

502:5 Deadlines for Filing Declarations and Assents to Candidacy. Amend RSA 56:25 (supp) as amended by 1965, 313:1 by striking out in line three the word "forty-six" and inserting in place thereof the word (sixty); further amend said section by striking out in line four the word

"fifty" and inserting in place thereof the word (sixty-four) so that said section as amended shall read as follows:

56:25 Time for Filing Declarations of or Assents to Candidacy. Declarations of and assents to candidacy and primary petitions to be filed with the secretary of state shall be filed not less than sixty days before the date of the primary, and all others sixty-four days, except as provided in section 23 hereof. The number of days herein given shall include Sundays and shall end on the day before the primary at five o'clock in the afternoon.

502:6 Filing Dates in Presidential Primaries. Amend RSA 58:3 as amended by 1971, 369:1 by striking out said section and inserting in place thereof the following:

58:3 Nomination Petition. The names of any persons to be voted upon for candidates for president and vice president shall be printed on the ballots solely on petition of New Hampshire voters of the same political party as the prospective candidates. The time limits for filing such petitions with the secretary of state shall be not more than seventy-four days nor less than sixty days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by at least five hundred qualified voters from each congressional district of the state. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. A separate petition shall be presented from each congressional district. The decision of the secretary of state as to the regularity of petitions shall be final.

502:7 Effective Date. This act shall take effect January 1, 1973.

[Approved July 6, 1971.]

[Effective date January 1, 1973.]

CHAPTER 503.

AN ACT REFERRING THE UNIFORM CONTROLLED SUBSTANCES ACT TO THE LEGISLATIVE STUDY COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

503:1 Legislative Findings; Referral. In view of the increasing illegal traffic in and use of controlled drugs, the legislature finds that there exists a need for continuing study drug control measures, including those presently incorporated in the statutes. Therefore, the legislative study committee or an appropriate standing committee of the house and senate is hereby directed to study the feasibility of new drug control legislation. Specifically, the committee shall carefully consider the Uniform Controlled Substances Act as promulgated in 1970 by the National Conference of Commissioners on Uniform State Laws and in cooperation with legislative services, it shall prepare a report and any proposed legislation it deems advisable for introduction at the next regular session of the legislature before the end of the second week of said session.

503:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 504.

AN ACT PROVIDING FOR AN INCREASE IN THE MOTOR VEHICLE ROAD TOLLS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

504:1 Levy of Toll. Amend RSA 265:4 (supp) as amended by 1966, 1:1 by striking out in line two the word "seven" and inserting in place thereof the word (nine) so that said section as amended shall read as follows:

265:4 Levy of Toll and Exemptions. There is hereby imposed a road toll of nine cents per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to (a) sales to the United States or its agencies, (b) sales between duly licensed distributors, or (c) sales of motor fuel exported from the state.

504:2 Exceptions to Expenditures. Amend RSA 241:9 by inserting after the word "part" in line five the following words (within fifteen years from the date of the last such improvement) so that said section as amended shall read as follows:

241:9 Exceptions. No funds apportioned to any city, town or unincorporated place as hereinbefore provided shall be expended (a) as payment for land damages incidental to acquisition of necessary rights of way on non-federal-aid projects; (b) on locations previously improved with state funds under this part within fifteen years from the date of the last such improvement, provided, however, that stage construction shall be permitted.

504:3 State Allotment. Amend RSA 241:11 (supp) as amended by 1955, 311:3; 1959, 244:1; 1965, 247:1; 1967, 286:1 by striking out in lines nine and twelve the word "three" and inserting in place thereof the following word (four) and by striking out in line thirteen the words "care and maintenance" and inserting in place thereof the following words (minor improvements and higher maintenance) so that said section as amended shall read as follows:

241:11 Maintenance Allotment by State. In addition to any funds hereinbefore apportioned for construction and reconstruction purposes the commissioner, in the month of July in each year, shall allot to each town a sum sufficient, when added to the amount which would be derived by a tax of eleven cents on each one hundred dollars of the town's last equalized valuation, to equal one hundred seventeen dollars for each mile of regularly maintained class V highway in such towns, except that for any year in which the total allocated to the towns under this formula shall be less than

four hundred thousand dollars, the commissioner shall use such other figure in place of the one hundred seventeen dollars for each mile of regularly maintained class V highway as may be necessary to make the total allotment not less than four hundred thousand dollars. The sums so allotted shall be used for the minor improvements and higher maintenance of class V highways and for no other purpose, under the supervision of the commissioner, and shall be expended in accordance with specifications provided by the commissioner under the direction of a person or persons appointed by the selectmen of the town.

504:4 State Contribution to Damage Losses. Amend RSA 241:13 by inserting in line twenty-nine after the word "available" the words (in this emergency account) and in line thirty by striking out the word "fifty" and inserting in place thereof the words (eighty-five) so that said section as amended shall read as follows:

241:13 State Contribution to Damage Losses. Any city, town or unincorporated place which suffers damage to its highways through disaster which is estimated to exceed one-eighth of one percent of its assessed valuation shall be entitled to aid in the repair of such damage providing the commissioner is notified of such damage and is requested to investigate the damage and advise the amount of aid to which the city, town or unincorporated place is entitled. The commissioner shall survey the damaged highways and prepare an estimate of cost for the rehabilitation of these highways and shall notify the towns the proportionate share which the state will contribute and the estimated amount of aid available. Aid to any city, town or unincorporated place shall be computed on that amount which is in excess of an amount equal to one-eighth of one percent of its assessed valuation. To the extent that the damage exceeds this amount the commissioner shall make available any balances then existing in the joint fund account as set forth in section 7 of this chapter. In the event that these funds are insufficient to complete the necessary repairs, the commissioner shall make available, from the succeeding year's joint fund account as set up in section 7, an amount sufficient to complete repairs; provided, however, that said amount shall be so limited that when combined with the balance of the current year's fund account as it existed prior to the disaster, the two shall not exceed the total of said current year's joint fund account; and provided further, that any funds allotted from the succeeding year's joint fund account shall be deducted from that account when it is made available to the city, town or unincorporated place. In the event that additional funds over and above those previously stated are necessary the commissioner with the approval of the governor and council may apportion from any unobligated funds available in this emergency account, such amounts as may be necessary to complete the rehabilitation provided that it shall not exceed eighty-five percent of the cost of the damage remaining after application of those funds previously stated. Nothing in this section shall prohibit any city, town or unincorporated place from making such emergency repairs as are deemed necessary for public convenience and such sums expended shall be considered part of the town's contribution.

504:5 Highway Subsidy to Towns and Cities. Amend RSA 241 by inserting after section 13 the following new section:

241:14 [New] Highway Subsidy to Towns and Cities. In addition to any funds hereinbefore apportioned for construction, reconstruction and maintenance allotment purposes, the commissioner shall apportion on the

basis of a sum of not less than four million four hundred eighty-seven thousand five hundred dollars, to each city, town and unincorporated place, on a one-half mileage and one-half population formula, an amount based on the proportion which the mileage of the regularly maintained class IV and class V highways in that city, town or unincorporated place as of January 1 of the previous year, bears to the total mileage of regularly maintained class IV and class V highways in the state as of that date, and the latest proportion which the official population census of that city, town or unincorporated place bears to the latest official population census of the state as of that same date. On or before January 1 of each year, the commissioner shall notify all cities, towns and unincorporated places of the amounts of highway subsidy being allotted in each fiscal year. Payments shall be made in quarterly increments in the months of July, October, January and April. If at the end of any fiscal year, the total amounts allocated to municipalities under the budget of the department of public works and highways does not amount to nineteen percent of the road toll revenue for the preceding fiscal year, the amount of such deficiency shall be added to the amount specified in this section and shall be apportioned according to the formula set forth above and paid with the October payments. Those offices charged in RSA 71:24 with the keeping of uniform accounts shall also be responsible for the keeping of such accounts as related to those funds granted to municipalities under this section in a manner prescribed by the commissioner of the department of public works and highways. Such accounting offices shall, on or before March first of each year, return to the commissioner on prescribed forms showing the summary of receipts and expenditures during the last fiscal year. Such accounting offices shall also furnish at other times such information as the commissioner may require to assure that funds paid to towns, cities and unincorporated places pursuant to this section are not used directly or indirectly for any purpose prohibited by constitutional or legislative limitation. These funds shall be used only for the purpose of maintenance, construction and/or reconstruction of class IV and class V highways. Under no condition shall dollars received under this section be used for the purpose of matching to obtain additional state funds for other forms of highway aid. Whenever any city, town or unincorporated place is unable to utilize the full amount of their apportionment in the manner herein provided for any given year, as made under this section, the unused balance shall not lapse but shall be added to the total available for distribution to all towns and cities, the following fiscal year.

504: 6 Effective Date. This act shall take effect August 1, 1971.

[Approved July 6, 1971.]

[Effective date August 1, 1971.]

CHAPTER 505.

AN ACT RELATIVE TO CONSERVATION OFFICERS AND THEIR PAY SCHEDULE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

505: 1 Conservation Officers Work and Pay Schedule Revised. Amend RSA 206 by inserting after section 24 the following new section:

206:24-a [New] Conservation Officers Work and Pay Schedule. The pay schedules of conservation officers and district chief conservation officers shall be based on a work week of forty hours. They shall be reimbursed as provided in the applicable pay scale for conservation officers and for district chief conservation officers plus a built-in overtime pay for four hundred and sixteen hours per year to compensate for on-call duty and such other emergency overtime as is necessary to accomplish the requirements of his responsibilities. Longevity, cost-of-living bonuses, holiday pay, or other benefits given other classified state employees shall also be given to conservation officers in addition to the above base remuneration. The director shall effect as nearly as possible a work schedule for a conservation officer to provide a minimum of two consecutive days off in each seven calendar days but shall not be limited to a maximum number of consecutive days off in awarding compensatory time or in assigning days off on a monthly or yearly work schedule.

505:2 Law Enforcement Employees. Amend RSA 99:2, c, as amended by striking out said paragraph and inserting in place thereof the following paragraph:

c. To the annual salary of those law enforcement employees regularly working forty-eight hours or more per week shall be added compensation equivalent to four hours per week or two hundred eight hours per year. Law enforcement employees shall include motor vehicle inspectors and liquor investigators.

505:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 506.

AN ACT TO ALLOW DISCOVERY IN CRIMINAL MATTERS PRIOR TO INDICTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

506:1 Discovery Prior to Indictment. Amend RSA 604 by inserting after section 1 the following new section:

604:1-a [New] Discovery in Criminal Matters. After an accused person has been bound over to the superior court and prior to indictment, he shall have the same rights to discovery and deposition as he has subsequent to indictment; provided that all judicial proceedings with respect thereto shall be within the jurisdiction of the superior court, and notice of petition therefor and hearing thereon shall be given to the county attorney, or the attorney general if he shall have entered the case.

506:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 507.

AN ACT RELATIVE TO DISTRICT COURTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

507:1 Special Justice as Clerk. Amend RSA 502-A: 7 as inserted by 1963, 331: 1 by striking out everything after the words "appointing him" in line three and inserting in place thereof the words (If for any reason the office of clerk of a district court shall be vacant, the special justice may perform the duties of the clerk as to all business before the court transacted by the justice, and any special justice acting as clerk shall keep a full record thereof, but no one acting as clerk in any case shall act as justice in the same matter) so that said section as amended shall read as follows:

502-A: 7 District Courts, Clerks of. Each district court shall have a clerk appointed by the justice thereof, who shall hold office during the pleasure of the justice appointing him. If for any reason the office of clerk of a district court shall be vacant, the special justice may perform the duties of the clerk as to all business before the court transacted by the justice, and any special justice acting as clerk shall keep a full record thereof, but no one acting as clerk in any case shall act as justice in the same matter.

507:2 Powers of Other Justices. Amend RSA 502-A: 5 as inserted by 1963, 331: 1 by striking out in line three the words "a disinterested justice of the peace within the district" and inserting in place thereof the words (a disinterested justice of the peace qualified in accordance with RSA 502-A: 3) so that said section as amended shall read as follows:

502-A: 5 Powers of Other Justices. If the justice and special justice of a district court are disqualified or unable from any cause to sit in any case, a disinterested justice of the peace qualified in accordance with RSA 502-A: 3, or a disinterested justice or special justice from another district court, attending upon written request of the justice, may hear and determine the case and issue final process therein, and he shall keep a record thereof, which shall be kept with and constitute a part of the records of said court, all of which shall have like effect as if it were heard and determined by the justice of said court.

507:3 Findings of District Court Justice. Amend RSA 502-A: 17-a as inserted by 1967, 40: 1, by adding at the end thereof the following (provided that the district court justice hearing the case to be transferred shall, if either party request it, file as a part of the transferred case his findings in writing, stating the facts found and his rulings of law) so that said section as amended shall read as follows:

502-A: 17-a Transfers to Supreme Court. In any criminal case or civil cause in any district court questions of law may be transferred to the supreme court in the same manner as that from the superior court under RSA 491: 17, provided that the district court justice hearing the case to be transferred shall, if either party request it, file as a part of the transferred case his findings in writing, stating the facts found and his rulings of law.

507:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 508.

AN ACT REDISTRICTING THE COUNTY COMMISSIONERS DISTRICTS IN
ROCKINGHAM COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

508:1 Districts Changed. Amend RSA 64:11, I by striking out said paragraph and inserting in place thereof the following:

I. Rockingham: District 1, Portsmouth, Newington, Greenland, New Castle, Rye, Hampton, Hampton Falls and North Hampton; district 2, Candia, Deerfield, Northwood, Nottingham, Raymond, Auburn, Epping, Fremont, Brentwood, Sandown, Danville, Plaistow, Newton, Seabrook, Kensington, South Hampton, East Kingston, Exeter, Stratham, Newfields, Newmarket and Kingston; district 3, Salem, Windham, Hampstead, Derry, Londonderry, Atkinson and Chester.

508:2 Effective Date. This act shall take effect for all purposes for the election of commissioners at the 1972 biennial election, but shall not affect the terms of office or the validity of the election of the commissioners elected at the 1970 biennial election.

[Approved July 6, 1971.]

[Effective date November 7, 1972.]

CHAPTER 509.AN ACT PROVIDING INSOLVENCY PROTECTION TO POLICYHOLDERS
OF LIFE AND HEALTH INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

509:1 New Chapter. Amend RSA by inserting after chapter 404-C the following new chapter:

CHAPTER 404-D [NEW]

NEW HAMPSHIRE LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION

404-D:1 Title. This chapter shall be known and may be cited as the New Hampshire life and health insurance guaranty association act.

404-D:2 Purpose. The purpose of this chapter is to maintain public confidence in the promises of insurers by providing a mechanism for protecting policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, against failure in the performance of contractual obligations due to the impairment of the insurer issuing such policies or contracts. To provide this protection:

I. An association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages;

II. Members of the association are subject to assessment to provide funds to carry out the purpose of this chapter; and

III. The association is authorized to assist the commissioner, in the prescribed manner, in the detection and prevention of insurer impairments.

404-D: 3 Scope.

I. This chapter shall apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized to transact insurance in this state at any time. The term health insurance is intended to include "accident and health" insurance, "sickness and accident" insurance, "disability" insurance.

II. This chapter shall not apply to:

(a) Any such policies or contracts, or any part of such policies or contracts, under which the risk is borne by the policyholder.

(b) Any such policy or contract or part thereof assumed by the impaired insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued.

(c) Any such policy or contract issued by assessment mutuals, fraternal, and nonprofit hospital and medical service plans.

404-D: 4 Construction. This chapter shall be liberally construed to effect the purpose under RSA 404-D: 2 which shall constitute an aid and guide to interpretation.

404-D: 5 Definitions. As used in this chapter:

I. "Account" means either of the three accounts created under RSA 404-D: 6.

II. "Association" means the New Hampshire life and health insurance guaranty association created under RSA 404-D: 6.

III. "Commissioner" means the commissioner of insurance.

IV. "Contractual obligation" means any obligation under covered policies.

V. "Covered policy" means any policy or contract within the scope of RSA 404-D: 3.

VI. "Impaired insurer" means:

(a) An insurer which after the effective date of this chapter, is declared insolvent and placed under a final order of liquidation, rehabilitation, or conservation by a court of competent jurisdiction, or

(b) An insurer deemed by the commissioner after the effective date of this chapter to be unable to fulfill its contractual obligations.

VII. "Member insurer" means any person authorized to transact in this state any kind of insurance to which this chapter applies under RSA 404-D: 3.

VIII. "Premiums" means direct gross insurance premiums and annuity considerations written on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders on such direct business. "Premiums" do not include premiums and considerations on contracts between insurers and reinsurers. As used in RSA 404-D: 9, "premiums" are those for the calendar year preceding the determination of impairment.

IX. "Person" means any individual, corporation, partnership, association or voluntary organization.

X. "Resident" means any person who resides in this state at the time the impairment is determined and to whom contractual obligations are owed.

404-D: 6 Creation of the Association.

I. There is created a nonprofit legal entity to be known as the New Hampshire life and health insurance guaranty association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under the plan of operation established and approved under RSA 404-D: 10 and shall exercise its powers through a board of directors established under RSA 404-D: 7. For purposes of administration and assessment, the association shall maintain three accounts:

- (a) The health insurance account;
- (b) The life insurance account; and
- (c) The annuity account.

II. The association shall come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this state.

404-D: 7 Board of Directors.

I. The board of directors of the association shall consist of not less than five nor more than nine members serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term in the manner described in the plan of operation. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial members.

II. In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

III. Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but members of the board shall not otherwise be compensated by the association for their services.

404-D: 8 Powers and Duties of the Association. In addition to the powers and duties enumerated in other sections of this chapter:

I. If a domestic insurer is an impaired insurer, the association may, prior to an order of liquidation or rehabilitation, and subject to any conditions imposed by the association other than those which impair the contractual obligations of the impaired insurer, and approved by the impaired insurer and the commissioner:

(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, all the covered policies of the impaired insurer;

(b) Provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (a), and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (a);

(c) Loan money to the impaired insurer.

II. If a foreign or alien insurer is an impaired insurer, the association may prior to an order of liquidation, rehabilitation or conservation, with respect to the covered policies of residents and subject to any conditions imposed by the association other than those which impair the contractual obligations of the impaired insurer and approved by the impaired insurer and the commissioner:

(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, the impaired insurer's covered policies of residents;

(b) Provide such monies, pledges, notes, guarantees or other means as are proper to effectuate paragraph (a), and assure payment of the impaired insurer's contractual obligations to residents pending action under paragraph (a);

(c) Loan money to the impaired insurer.

III. If a domestic insurer is an impaired insurer under an order of liquidation or rehabilitation, the association shall, subject to the approval of the commissioner:

(a) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed or reinsured the covered policies of the impaired insurer;

(b) Assure payment of the contractual obligations of the impaired insurer; and

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties. If the association fails to act within a reasonable period of time, the commissioner shall have the powers and duties of the association under this chapter with respect to such domestic impaired insurer.

IV. If a foreign or alien insurer is an impaired insurer under an order of liquidation, rehabilitation, or conservation, the association shall, subject to the approval of the commissioner:

(a) Guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured the covered policies of residents;

(b) Assure payment of the contractual obligations of the impaired insurer to residents, and

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties. If the association fails to act within a reasonable period of time, the commissioner shall have the powers and duties of the association under this chapter with respect to such foreign or alien impaired insurer.

V. Liens may be imposed provided the association:

(a) In carrying out its duties under paragraphs III and IV, the association requests that there be imposed policy liens, contract liens, moratoriums, on payments, or other similar means and such liens, moratoriums, or similar means may be imposed if the commissioner:

(1) Finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the impaired insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, moratoriums, or similar means to be in the public interest, and

(2) Approves the specific policy liens, contract liens, moratoriums, or similar means to be used.

(b) Before being obligated under paragraphs III and IV the association requests that there be imposed temporary moratoriums or liens on

payments of cash values and policy loans and such temporary moratoriums and liens may be imposed if they are approved by the commissioner.

VI. The association shall have no liability under this paragraph for any covered policy of a foreign or alien insurer whose domiciliary jurisdiction or state of entry provides by statute or regulation, for residents of this state protection substantially similar to that provided by this chapter for residents of other states.

VII. The association may render assistance and advice to the commissioner, upon his request, concerning rehabilitation, payment of claims, continuations of coverage, or the performance of other contractual obligations of any impaired insurer.

VIII. The association shall have standing to appear before any court in this state with jurisdiction over an impaired insurer concerning which the association is or may become obligated under this chapter. Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired insurer and the determination of the covered policies and contractual obligations.

IX. Assignment of rights occurs when:

(a) Any person receiving benefits under this chapter shall be deemed to have assigned his rights under the covered policy to the association to the extent of the benefits received because of this chapter whether the benefits are payments of contractual obligations or continuation of coverage. The association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this chapter upon such person. The association shall be subrogated to these rights against the assets of any impaired insurer.

(b) The subrogation rights of the association under this paragraph shall have the same priority against the assets of the impaired insurer as that possessed by the person entitled to receive benefits under this chapter.

X. The contractual obligations of the impaired insurer for which the association becomes or may become liable shall be as great as but no greater than the contractual obligations of the impaired insurer would have been in the absence of an impairment but the association shall have no liability with respect to any portion of a covered policy to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars.

XI. The association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter.

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under RSA 404-D:9.

(c) Borrow money to effect the purposes of this chapter. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets.

(d) Employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this chapter.

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association.

(f) Take such legal action as may be necessary to avoid payment of improper claims.

(g) Exercise, for the purposes of this chapter and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired insurer.

404-D: 9 Assessments.

I. For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessments after thirty days written notice to the member insurers before payment is due.

II. There shall be three classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses not related to a particular impaired insurer.

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under RSA 404-D: 8 with regard to an impaired domestic insurer.

(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under RSA 404-D: 8 with regard to an impaired foreign or alien insurer.

III. Assessments shall be determined as follows:

(a) The amount of any Class A assessment for each account shall be determined by the board. The amount of any Class B or C assessment shall be divided among the accounts in the proportion that the premiums received by the impaired insurer on the policies covered by each account bears to the premiums received by such insurer on all covered policies.

(b) Class A and Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Class B assessments for each account shall be made separately for each state in which the impaired domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired insurer on policies covered by such account bears to such premiums received in all such states by the impaired insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on policies covered by each account bears to such premiums received on business in each state by all assessed member insurers.

(d) Assessments for funds to meet the requirements of the association with respect to an impaired insurer shall not be made until necessary to implement the purposes of this chapter. Classification of assessments under paragraph II and computation of assessments under this paragraph

shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

IV. The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed four percent of such insurer's premiums in this state on the policies covered by the account.

V. In the event an assessment against a member insurer is abated, (or deferred) in whole or in part, because of the limitations set forth in paragraph IV, the amount by which such assessment is abated or deferred, shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

VI. The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that amount, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

VII. It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

VIII. The association shall issue to each insurer paying an assessment under this chapter a certificate of contribution, in a form prescribed by the commissioner, for the amount so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

404-D: 10 Plan of Operation.

I. A plan of operation shall be established as follows:

(a) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.

(b) If the association fails to submit a suitable plan of operation within one hundred eighty days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in

force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

II. All member insurers shall comply with the plan of operation.

III. The plan of operation shall, in addition to requirements enumerated elsewhere in this chapter:

(a) Establish procedures for handling the assets of the association.

(b) Establish the amount and method of reimbursing members of the board of directors under RSA 404-D:7.

(c) Establish regular places and times for meetings of the board of directors.

(d) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.

(e) Establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner.

(f) Establish any additional procedures for assessments under RSA 404-D:9.

(g) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

IV. The plan of operation may provide that any or all powers and duties of the association, except those under RSA 404-D:8, XI, (c) and RSA 404-D:9, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this paragraph shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

404-D:11 Duties and Powers of the Commissioner. In addition to the duties and powers enumerated elsewhere in this chapter,

I. The commissioner shall:

(a) Notify the board of directors of the existence of an impaired insurer not later than three days after a determination of impairment is made or he receives notice of impairment.

(b) Upon request of the board of directors, provide the association with a statement of the premiums in the appropriate states for each member insurer.

(c) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this chapter.

(d) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the commissioner may be appointed conservator.

II. The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any

member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five percent of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars per month.

III. Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if such appeal is taken within thirty days of the action being appealed. Any final action or order of the commissioner shall be subject to judicial review pursuant to RSA 541.

IV. The liquidator, rehabilitator, or conservator or any impaired insurer may notify all interested persons of the effect of this chapter.

404-D:12 Prevention of Impairments. To aid in the detection and prevention of insurer impairments, the commissioner shall be notified when:

I. The board of directors shall, upon majority vote, notify the commissioner of any information indicating any member insurer may be unable or potentially unable to fulfill its contractual obligations.

II. The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be unable or potentially unable to fulfill its contractual obligations. The commissioner may conduct such examination. The examination may be conducted as a national association of insurance commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors of the association prior to its release to the public, but this shall not excuse the commissioner from his obligation to comply with paragraph III. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public and shall be released at that time only if the examination discloses that the examined insurer is unable or potentially unable to meet its contractual obligations.

III. The commissioner shall report to the board of directors when he has reasonable cause to believe that any member or licensed insurer may be unable or potentially unable to fulfill its contractual obligations.

IV. The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be subject to RSA 91-A.

V. The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer impairments.

VI. The board of directors shall, at the conclusion of any insurer impairment in which the association carried out its duties under this chapter or exercised any of its powers under this chapter, prepare a report on the history and causes of such impairment, based on the information available to the association, and submit such report to the commissioner.

404-D: 13 Appointment of Association Nominee. The association may recommend a natural person to serve as a special deputy to act for the commissioner and under his supervision in the liquidation, rehabilitation, or conservation, of any member insurer.

404-D: 14 Miscellaneous Provisions.

I. Nothing in this chapter shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired insurer operating under a plan with assessment liability.

II. Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under RSA 404-D: 8. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired insurer, upon the termination of the impairment of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this paragraph shall limit the duty of the association to render a report of its activities under RSA 404-D: 15.

III. For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to RSA 404-D: 8, IX. All assets of the impaired insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired insurer as required by this chapter. Assets attributable to covered policies, as used in this paragraph, is that proportion of the assets which the reserves that should have been established for such policies bear to the reserve that should have been established for all policies of insurance written by the impaired insurer.

IV. In distributing assets the following factors shall be considered:

(a) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policy owners of the impaired insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such impaired insurer. In such a determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

(b) No distribution to stockholders, if any, of an impaired insurer shall be made until and unless the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

V. It shall be a prohibited unfair trade practice for any person to make use in any manner of the protection afforded by this chapter in the sale of insurance.

VI. The recovery procedure shall provide that:

(a) If an order for liquidation or rehabilitation of an insurer domiciled in this state has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (b) to (d).

(b) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(c) Any person who as an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(d) The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the impaired insurer to pay the contractual obligations of the impaired insurer.

(e) If any person liable under paragraph (c) is insolvent, all its affiliates that controlled it at the time the dividend was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

404-D: 15 Examination of the Association; Annual Report. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner, not later than May first of each year, a financial report for the preceding calendar year in a form approved by the commissioner and a report of its activities during the preceding calendar year.

404-D: 16 Tax Exemptions. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

404-D: 17 Immunity. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or his representatives, for any action taken by them in the performance of their powers and duties under this chapter.

404-D: 18 Stay of Proceedings: Reopening Default Judgments. All proceedings in which the impaired insurer is a party in any court in this state shall be stayed sixty days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to a judgment under any decision, order, verdict, or finding based on default the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

509: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 510.

AN ACT ESTABLISHING A COMMISSION TO STUDY AND REPORT ON THE GOALS, PURPOSES, ORGANIZATION AND FINANCING OF THE STATE UNIVERSITY SYSTEM AND OTHER ASPECTS OF HIGHER EDUCATION.

WHEREAS, ten years have now passed since the interim commission on education stimulated statewide discussions of higher education in New Hampshire, and

WHEREAS, following extensive public debate the legislature in 1963 established the university of New Hampshire system by which Plymouth and Keene state colleges became part of the system under the jurisdiction of a single board of trustees, and

WHEREAS, during this time the enrollments of the state colleges and the university at Durham have more than doubled, the Merrimack Valley branch of the university has been founded, the amount of knowledge to be taught has vastly increased, the enrollment in the state vocational-technical institutions has grown to over thirteen hundred, and

WHEREAS, viewpoints on the purposes of higher education have changed substantially in this period, student attitudes have likewise changed and costs have risen steeply, and

WHEREAS, it is therefore timely that the legislature should conduct a careful review of developments in higher education to determine whether the present goals, purposes, organization and financing of higher education are in line with changing needs and conditions within the state, and

WHEREAS, the effects of innovative secondary school programs which are being considered by many of the communities of the state need to be considered to determine their effect on higher education, therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

510:1 Higher Education Study Commission. A legislative study commission of eight members, three from the senate and five from the house of representatives, is hereby established to examine the goals, purposes, organization and financing of higher education and to evaluate and make recommendations relative thereto. The commission shall be appointed as follows: Three members of the senate by the president of the senate and five members of the house of representatives by the speaker of the house of representatives. The members of the commission shall serve without compensation, but they may be reimbursed for actual travel and other expenses incurred in the performance of their duties under this act. This commission shall have subpoena powers for the purposes of this act.

510:2 Duties. The commission shall study among other things:

I. The operation, goals, purposes, organization and size of the university system.

II. The financing of the university system including the feasibility of the so-called deferred tuition programs.

III. Similar aspects of the vocational-technical system as are set out in I and II of this section.

IV. The effect of innovative secondary school programs on entrance into higher education and the adjustments higher education systems may have to undergo as a result of these secondary school program changes.

V. The commission shall determine the level and effectiveness of the expenditure of state funds to higher education in the following areas:

(a) Programs of direct financial aid to institutions of higher education, and

(b) Programs of financial aid to state residents including but not limited to scholarship grants and loans and loan guarantees.

510:3 Report and Recommendations. The commission shall submit a report by January fifteenth of the 1973 session of the legislature. Copies of the report shall be submitted to the governor, president of the senate, speaker of the house of representatives, each member of the senate and house of representatives, to the board of trustees of all institutions of higher education in the state and to any other individual or organization as the commission deems advisable.

510:4 Aid and Grants. The commission is hereby authorized to accept and use aid or grants, or both, received from any source for the purposes of the study authorized by this act.

510:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 511.

AN ACT RELATIVE TO THE NEW HAMPSHIRE RETIREMENT SYSTEM AND THE FIREMEN'S RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

511:1 Defining Average Final Compensation in Certain Cases. Amend RSA 100-A:1, XVIII (supp) as inserted by 1967, 134:1 by adding at the end thereof the following new sentence (However in the case of group II members, "average final compensation" shall mean the average annual earnable compensation of a member during his highest three years of creditable service.) so that said paragraph as amended shall read as follows:

XVIII. "Average final compensation" shall mean the average annual earnable compensation of a member during his highest five years of creditable service, or during all of the years in his creditable service if less than five years. However in the case of group II members, "average final compensation" shall mean the average annual earnable compensation of a member during his highest three years of creditable service.

511:2 Firemen's Retirement System. Amend RSA 102:15 (supp) as amended by 1957, 15:3, 1963, 245:1 and 1967, 405:10 by striking out in line twenty-two the word "five" and inserting in place thereof the word (three) so that said section as amended shall read as follows:

102:15 Retirement. Any permanent fireman who retires or is dismissed from active service as provided in section 13, and who shall have complied with all provisions of this chapter and with the rules and regulations of the board, shall be entitled to receive from said board for each

year during the remainder of his natural life retirement benefits based upon his average final salary, as defined hereinafter, at the rates in the following table:

Age at Retirement	Retirement Benefits (percent of average final salary)
55	48.9
56	52.0
57	55.3
58	58.8
59	62.5
60	66.7
61	<div style="display: inline-block; vertical-align: middle;"> Benefits to exceed 66.7 percent as may be determined by board upon actuarial valuations </div>
62	
63	
64	
65	

The "average final salary" shall mean the highest average annual earnable compensation of a member during any three consecutive years of service prior to the date of retirement or dismissal, as determined by the board. The retirement benefits shall be paid to the retired member monthly in as nearly equal monthly installments as possible. No permanent fireman who has retired under the provisions of this chapter shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency. The board shall have the right to further increase the actuarial table of rates of retirement benefits accruing to members retiring on account of age, between the ages of fifty-five and sixty-five inclusive, based upon periodic actuarial valuations of the retirement system.

511:3 Policemen's Retirement System. Amend RSA 103:14 by striking out said section and inserting in place thereof the following:

103:14 Retirement Benefits. Any permanent policeman who retires or is dismissed from service as provided in section 12 and who shall have complied with all the provisions hereof and with the rules and regulations of the board shall be entitled to receive from the retirement fund, for each year during the remainder of his life, a sum equal to one-half of his annual salary for the three highest years preceding his retirement, as determined by the board, but in no event shall this sum be less than twelve hundred dollars; provided, however, that in the case of a policeman employed by a city having a population of more than thirty-four thousand inhabitants, such sum shall be equal to one-half of the assessed part of his average annual salary for the three years preceding his retirement; and further provided, that if at the time of his retirement he shall have served as a permanent policeman for a period of less than twenty-five continuous years, such sum as computed above shall be reduced pro-rata in the proportion which the actual number of completed years of continuous service bears to twenty-five. Anything to the contrary notwithstanding, an appropriate adjustment, as determined by the board under rules uniformly applicable to all policemen similarly situated, shall be made in the sum otherwise payable to the policemen if at the time subsequent to July 1, 1953 or subsequent to the date of his accepting these provisions, if later, the rate of assessment upon the assessable part of his annual

salary has been less than five and three-fourths per cent or if at any time subsequent to July 1, 1961 or the date of such acceptance, if later, the rate of assessment has been less than six and eighty-five one-hundredths per cent of his annual salary. Retirement benefits shall be paid in equal monthly installments on the first business day of each calendar month.

511:4 Method of Financing. The Retirement Board is hereby authorized, in accordance with an actuarial report of the George B. Buck Consulting Actuaries Inc. dated December 11, 1970 to assess each member of the New Hampshire Retirement system Group II and members in both the Policemen's Retirement System and the N.H. Permanent Firemen's Retirement system. There shall be no payment made by either the state of New Hampshire or its political subdivisions.

511:5 Effective Date. This act shall take effect July 1, 1971.

[Approved July 6, 1971.]

[Effective date July 1, 1971.]

CHAPTER 512.

AN ACT RELATIVE TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

512:1 Town Moderator and Trustee of Trust Funds. Amend RSA 41:4 by inserting in lines two and four after the word "treasurer" the words (moderator, trustee of trust funds) so that said section as amended shall read as follows:

41:4 Incompatibility of Offices. No person shall at the same time hold any two of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent; no person shall at the same time hold any two of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of any police department on full time duty; and no official handling funds of a town shall at the same time hold the office of auditor.

512:2 New Fees. Amend RSA 80:43 (supp) as amended by 1967, 303:1 by striking out paragraphs I and II and inserting in place thereof the following:

I. Notice to delinquent taxpayer covering all unpaid taxes listed under his name, two dollars.

I-a. For each parcel advertised for sale, fifty cents.

II. For conducting sale for each taxpayer on list, two dollars.

II-a. For each parcel sold, fifty cents.

512:3 Increase Fees. Amend RSA 80:37 (supp) as amended by 1967, 313:1 and 1970, 30:3 by striking out in line twenty-two the words "one dollar" and inserting in place thereof the words (two dollars) so that said section as amended shall read as follows:

80:37 Payment of Subsequent Tax. The purchaser of real estate at any tax sale may pay to the collector any tax assessed upon the real estate

subsequent to that for which it was sold and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive fifty cents for such notice to the register of deeds of the subsequent payment plus fifty cents to be paid to the register of deeds. The purchaser, within fifteen days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of his payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a tax subsequent to that for which the real estate was sold and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale the collector shall be paid the sum of two dollars for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of eleven per cent per year from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

512:4 Certain Fees Increase. Amend RSA 41:25 by striking out said section and inserting in place thereof the following:

41:25 Fees. Town clerks shall be entitled to a minimum fee of two dollars for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof.

512:5 Limitation of Ten Percent Defined. Amend RSA 32:8 (supp) as amended by 1961, 69:1 by striking out said section and inserting in place thereof the following:

32:8 Limitation of Appropriations. So long as the provisions of this chapter shall remain in force in any town the total amount appropriated at any annual meeting shall not exceed by more than ten percent the total amount specified in the budget for said meeting, and no appropriation shall be made for any purpose not included in said budget, provided, however, that the budget committee may also submit, without approval items which they do not wish to recommend but which they believe the voters should be allowed to consider and act upon, either favorably or unfavorably. Money may be raised and appropriated for such items, but not to an amount which would increase the total appropriations, as recommended by the budget committee, by more than the ten percent allowed hereunder. The ten percent increase herein allowable above the total amount specified in the budget for said meeting shall be computed on the total amount

recommended less that part of any appropriation item which constitutes fixed charges. Fixed charges shall include appropriations for:

I. Bonds, and all interest and principal payments thereon;

II. Notes, except tax anticipation notes, and all interest and principal payments thereon;

III. Mandatory assessments imposed on towns, by the county, state or federal governments.

512:6 Town Clerk, Removal. Amend RSA 41:12 by inserting in line two after the word "taxes" the words (town clerk) so that said section as amended shall read as follows:

41:12 Removal of Collector or Treasurer. The selectmen may remove from office any collector of taxes, town clerk, or any treasurer, who, in their judgment, has become insane or otherwise incapacitated to discharge the duties of the office, or who has neglected, for ten days after a written notice, to furnish a bond to their acceptance. They may proceed without notice in any case arising under this section.

512:7 Payment to Town Officials. Amend RSA 31 by inserting after section 9-a the following new section:

31:9-b [New] Time for Payment. All elected and appointed officials of a municipal corporation shall be paid monies due them for services rendered as approved by a vote of the municipality from the time of election, or appointment, to the expiration of the term of office for which they are elected or appointed. Said monies shall be paid after the services have been rendered either weekly, biweekly, monthly, quarterly, semi-annually, or annually as agreed upon between the governing board and the officials involved. As used in this section the words "municipal corporation" shall mean a town, a village district or a school district, but shall not include a city or county.

512:8 Penalties for Town By-Laws. Amend RSA 31:39 as amended by striking out said section and inserting in place thereof the following:

31:39 Purpose and Penalties. Towns may make by-laws for the care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town; for the prevention of the going at large of horses and other domestic animals in any public place in the town; for the observance of Memorial Day, whereby interference with and disturbance of the exercises for such observance, by processions, sports, games or other holiday exercises, may be prohibited; to regulate the use of mufflers upon boats and vessels propelled by gasoline or naphtha and operating upon the waters within the town limits; respecting the kindling, guarding, and safekeeping of fires, and for removing all combustible materials from any building or place, as the safety of property in the town may require; respecting the collection, removal and destruction of garbage, snow and other waste materials; to regulate the operation of vehicles, except by railways as common carriers, upon their streets, to regulate the conduct of public dances; to regulate the conduct of roller skating rinks; and for making and ordering their prudential affairs. They may appoint all such officers as may be necessary to carry the by-laws into effect, and may enforce their observance by suitable penalties not exceeding one hundred dollars for each offense, to enure to such uses as they may direct.

512:9 Penalties for City By-laws and Ordinances. Amend the introductory paragraph of RSA 47:17 by striking out in line four the word "twenty" and by inserting in place thereof the words (one hundred) so that said introductory paragraph as amended shall read as follows:

47:17 By-laws and Ordinances. The city councils shall have power to make all such salutary and needful by-laws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding one hundred dollars, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and by-laws for the following purposes:

512:10 Municipality Defined. Amend RSA 252-A:2, IV as inserted by 1969, 493:1 by striking out in line two the word "sixty" and inserting in place thereof the word (fifty) so that said paragraph as amended shall read as follows:

IV. "Municipality" or "municipalities" shall include any city or town in the state having a population in excess of fifty thousand as determined by the last published federal census preceding the adoption of this act by any such town or city.

512:11 Fees to Finance Public Parking Facilities; Smaller Towns and Cities. Amend RSA 260:27-b (supp) as inserted by 1969, 484:1 by striking out in line two the word "sixty" and inserting in place thereof the word (fifty), by striking out in line three the word "section 27-c" and inserting in place thereof the word (RSA 260:27-c) and by striking out in line five the word "section 27" and inserting in place thereof the word (RSA 260:27) so that said section as amended shall read as follows:

260:27-b [New] Additional Fees. The governing bodies of towns and cities of a population greater than fifty thousand as determined by the last federal census, may subject to the provisions of RSA 260:27-c direct the city treasurer or the town clerk to collect in addition to the fees imposed in RSA 260:27 of this chapter, fees for such permits as follows: a sum not to exceed five mills on each dollar of the maker's list price for a motor vehicle manufactured in the current calendar year, a sum not to exceed four mills on each dollar of the maker's list price for a motor vehicle manufactured in the first preceding calendar year, a sum not to exceed three mills on each dollar of the maker's list price for a motor vehicle manufactured in the second preceding calendar year, a sum not to exceed two mills on each dollar of the maker's list price for a motor vehicle manufactured in the third preceding calendar year, and a sum not to exceed one mill on each dollar of the maker's list price for a motor vehicle manufactured in the fourth preceding calendar year and any calendar year prior thereto. In no event, however, shall the fee be less than one dollar. The director of motor vehicles shall make the final determination of year of manufacture of a motor vehicle in any case in which a dispute arises. All fees collected under this section shall be used for the construction, operation and maintenance of public parking facilities as provided in RSA 252-A.

512:12 Meetings. Amend RSA 39 by inserting after section 1 the following new section:

39:1-a [New] Towns Adopting a Fiscal Year. Notwithstanding the provisions of RSA 39:1 any town which adopts a fiscal year accounting

period pursuant to RSA 31, may by majority vote, hold its annual town meeting on the second Tuesday of May for the selection of town officers and the transaction of all other town business. A meeting shall be warned by the selectmen, when in their opinion, there shall be occasion therefor.

512:13 Effective Date. Section 1 of this act shall take effect on the first Tuesday of November 1972. Section 7 of this act shall take effect January 1, 1972. Sections 2, 3, 4, 5, 6, 9, 10, 11 and 12 shall take effect upon passage. Section 8 shall take effect on July 15, 1971.

[Approved July 6, 1971.]

[Effective date. Section 1 of act effective November 7, 1972. Section 7 effective January 1, 1972. Sections 2, 3, 4, 5, 6, 9, 10, 11 and 12 effective July 6, 1971. Section 8 shall take effect July 15, 1971.]

CHAPTER 513.

AN ACT RELATIVE TO THE LIMITATIONS ON THE LOANING AUTHORITY OF COOPERATIVE BANKS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS AND SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

513:1 Limitations on the Amount of Real Estate Loans and Investments. Amend RSA 393:18 as amended by 1961, 136:4; 1963, 313:2; 1965, 317:2 and 1967, 120:1 by striking out in line ten the word "or" and by inserting in line eleven after the word "Hampshire" the following (or by a private mortgage guaranty insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner) so that said section as amended shall read as follows:

393:18 Limitations on the Amount of Real Estate Loans and Investments. A cooperative bank or building and loan association or savings and loan association may loan its funds upon the security of a first lien on real estate provided that no more than thirty thousand dollars or more than one per cent of the assets of the association, whichever is greater, is loaned on any one property. Loans in excess of ten thousand dollars may not exceed ninety per cent of the appraised value of any one property and loans in excess of twenty-five thousand dollars may not exceed eighty per cent of the appraised value of any one property. These limitations shall not apply to loans insured or guaranteed by the Federal Housing Administration, the Veterans Administration, the state of New Hampshire or by a private mortgage guaranty insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner. Notwithstanding the foregoing limitations of this section, an association may make a loan in connection with the sale of real estate acquired by the association for the purpose of providing offices for the transaction of the business of the association, or acquired under a foreclosure or a deed in lieu of foreclosure, in an amount not to exceed the sale price the association received from such real estate.

513:2 Real Estate and Tangible Personal Property. Amend RSA 387: 4, I as amended, by striking out said paragraph and inserting in place thereof the following:

I. REAL ESTATE IN NEW HAMPSHIRE AND CONTIGUOUS STATES. Those directly secured by first mortgage on real estate situated within this state or within any state contiguous to this state; but no such investment shall be in a loan which exceeds seventy-five per cent of the value of the real estate by which it is secured; except that investment may be in a loan which exceeds seventy-five per cent but not ninety per cent of the value of the real estate by which it is secured, provided that it shall be secured by a first mortgage on real estate containing one or more dwelling units for not more than four families each and which mortgage or mortgage note shall provide for payment of the note within a period of thirty years from the date when the first monthly payment shall become due, and the first monthly payment shall become due nine months from the date of the note or one month from the final disbursement of funds, whichever shall first occur, and which payments, so long as the balance of the loan exceeds seventy-five per cent of the value of the real estate by which it is secured, shall include a proportionate share of the amount necessary to pay the real estate and other taxes upon such property. No loan or mortgage shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and except upon report of not less than two members of the board of trustees or board of directors, or two officers of the bank acting on behalf of the board of trustees or board of directors, who shall certify on said application, according to their best judgment, on the basis of an appraisal made by one of their members or by some officer of the bank, or some appraiser employed by the bank for the purpose of appraisal, the value of the premises to be mortgaged; and such application shall be filed and preserved with the records of the corporation. The premises so mortgaged shall be revalued in the same manner at intervals of five years so long as they are mortgaged to the bank, provided that such revaluation may be omitted on any such fifth anniversary if on such date the ratio of the unpaid principal balance of the loan to the last prior appraised value of the premises is less than fifty per cent. If as a result of any such revaluation the amount of the loan is found to be in excess of the authorized percentage of the value of the premises mortgaged, a sufficient reduction in the amount of the loan shall be required, as promptly as may be practical, to bring the loan to within the authorized percentage. In determining whether any loan exceeds the authorized percentage of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the administrator of veterans affairs under title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or (2) an obligation wholly guaranteed under such title, or (3) that portion of any loan or obligation which the small business administration has unconditionally agreed to purchase, or (4) that portion of a loan guaranteed by a private mortgage guaranty insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner or (5) that portion of a loan on industrial real estate guaranteed by the state of New Hampshire under RSA 162-A: 14-a-c, or guaranteed by any state contiguous to New Hampshire under terms providing security equal to or greater than those of RSA 162-A: 14-a-c. No bank shall be restricted

to the above authorized percentages on a loan secured by property which the borrower is purchasing from the bank.

513:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 6, 1971.]

[Effective date September 4, 1971.]

CHAPTER 514.

AN ACT CLARIFYING THE POWERS OF COUNTIES AND COUNTY CONVENTIONS, IN DETERMINING SALARIES FOR COUNTY OFFICERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

514:1 Coos County Attorney. Amend RSA 7:35, IV (supp) as inserted by 1969, 30:1 by striking out the words "In Coos, three thousand dollars" and inserting in place thereof the words (In Coos, thirty-five hundred dollars) so that the said paragraph as amended shall read as follows:

IV. In Coos, thirty-five hundred dollars.

514:2 Coos County Commissioners. Amend RSA 28:28, IV (supp) as inserted by 1969, 30:3 by striking out the words "In Coos, two thousand dollars" and inserting in place thereof the words (In Coos, twenty-five hundred dollars) so that said paragraph as amended shall read as follows:

IV. In Coos, twenty-five hundred dollars.

514:3 Salaries. Amend RSA 7:35, VI (supp) as amended by 1969, 157:1 by striking out said paragraph and inserting in place thereof the following:

VI. In Hillsborough: county attorney, effective July 1, 1971, twelve thousand five hundred dollars; effective July 1, 1972, fifteen thousand dollars; assistant county attorney, effective July 1, 1971, eight thousand dollars; effective July 1, 1972, ten thousand dollars.

514:4 Strafford County Attorney. Amend RSA 7 by inserting after section 35-e (supp) as inserted by 1970, 39:5 the following new section:

7:35-f [New] Strafford County Attorney. The annual salary for the Strafford county attorney shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than seventy-five hundred dollars and it shall be effective on January first of the year specified by vote of the convention.

514:5 Treasurer. Amend RSA 29 by inserting after section 14-c (supp) as inserted by 1969, 490:8 the following new section:

29:14-d [New] Strafford County Treasurer. The annual salary of the Strafford county treasurer shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than seven hundred and fifty dollars and

it shall become effective on January first of the year specified by vote of the convention.

514:6 County Commissioners. Amend RSA 28 by inserting after section 28-d (supp) as inserted by 1970, 39:9 the following new section:

28:28-e [New] Strafford County Commissioners. The annual salary of the Strafford county commissioners shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than two thousand dollars and it shall become effective on January first of the year specified by vote of the convention.

514:7 Strafford County Sheriff. Amend RSA 104:29, VIII (supp) as inserted by 1967, 312:1 by striking out in lines one and two the words "nine thousand five hundred dollars" and inserting in line one after the words "shall be" the words (established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand five hundred dollars and it shall be effective on January first of the year specified by vote of the convention) and by striking out in line seven the words "superior court" and inserting in place thereof the words (county commissioners) so that said paragraph as amended shall read as follows:

VIII. In Strafford the annual salary of the sheriff shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand five hundred dollars and it shall be effective on January first of the year specified by vote of the convention. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of the county commissioners. For the service of civil writs and other processes which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other processes served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

514:8 Strafford Deputy Sheriffs. Amend RSA 104 by inserting after section 31 the following new section:

104:31-a [New] Reports. The chief deputy, all deputy sheriffs and special deputy sheriffs of Strafford county shall report annually to the sheriff the number of civil writs and other processes served, and said reports shall include the total amounts collected in fees and mileage charges. Such annual reports shall be incorporated into the sheriff's annual report to the county commissioners.

514:9 Strafford County Register of Deeds. Amend RSA 478:18 (supp) as amended by 1967, 442:1 and 1969, 402:1 by striking out said section and inserting in place thereof the following:

478:18 Salary. The annual salary of the register of deeds for Strafford county shall be established by the Strafford county convention

at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand dollars and it shall become effective on January first of the year specified by vote of the convention. Said salary shall be paid in equal monthly installments.

514:10 Salary to be Set by County Convention. Amend RSA 7 (supp) by inserting after section 35-f the following new section:

7:35-g [New] Merrimack County Attorney. The annual salary of the Merrimack county attorney shall be established by the Merrimack county convention upon recommendation of the executive committee, at an annual rate of not less than five thousand dollars.

514:11 Compensation of Merrimack County Convention. Amend RSA 24:9-ee (supp) as inserted by 1969, 491:9 by striking out the title thereto and inserting the following new title (Grafton and Merrimack County Conventions) and by striking out in line three the word "convention" and inserting in place thereof the words (and Merrimack county conventions) and by striking out in line four the words "the convention" and inserting in place thereof the words (their respective conventions) so that said section as amended shall read as follows:

24:9-ee Grafton and Merrimack County Conventions. Notwithstanding the provisions of section 9-e to the contrary, members of the Grafton county and Merrimack county conventions shall be entitled to receive from the county treasury fifteen dollars per day for actual attendance at meetings of their respective conventions and ten cents a mile for travel to and from the place of meeting. They are not entitled to receive any compensation or mileage for attending such meetings on a day when there is a meeting of the house of representatives.

514:12 County Commissioners. Amend RSA 28:28, X (supp) as inserted by 1969, 30:3 by striking out said paragraph and inserting in place thereof the following:

X. In Sullivan, two thousand dollars.

514:13 County Treasurer. Amend RSA 29:14, X (supp) as inserted by 1969, 30:2 by striking out said paragraph and inserting in place thereof the following:

X. In Sullivan, one thousand dollars.

514:14 Deputy Sheriff. Amend RSA 104:3-a (supp) as inserted by 1965, 162:2 by striking out said section and inserting in place thereof the following:

104:3-a Sullivan County; Appointment of Deputy Sheriff on Salary. The sheriff of Sullivan county may appoint, if funds are appropriated, a deputy sheriff who shall be paid an annual salary of six thousand dollars. Said salary shall be payment in full for all his services for the county. The county shall provide him with suitable transportation and he shall not be allowed the statutory rates for mileage allowable to other deputy sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and his expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall report annually to

the sheriff the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year and said report shall be incorporated in the sheriff's annual report to the county commissioners.

514:15 Sheriffs. Amend RSA 104:29, III (supp) as amended by 1965, 162:1 by striking out said paragraph and inserting in place thereof the following:

III. In Sullivan the annual salary of the sheriff shall be nine thousand dollars. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

514:16 Register of Deeds. Amend RSA 478:36 as inserted by 1967, 377:2 by striking out in line two the words "seven thousand" and inserting in place thereof the words (seventy-five hundred) so that said section as amended shall read as follows:

478:36 Salary. The register of deeds for Sullivan county shall be paid an annual salary of seventy-five hundred dollars.

514:17 Carroll County Sheriff. Amend RSA 104:29, VI (supp) as inserted by 1967, 153:2 by striking out said paragraph and inserting in place thereof the following:

VI. In Carroll the annual salary of the sheriff shall be eleven thousand five hundred dollars which shall be paid monthly. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

514:18 Repeal of Certain Provisions Relating to Compensation for County Officers. The following sections and paragraphs are hereby repealed:

I. Repeal. RSA 7:35 (supp) as amended, relative to annual salaries for county attorneys is hereby repealed.

II. Repeal. RSA 7:35-a (supp) as inserted by 1969, 237:1, relative to the salary of the Cheshire county attorney is hereby repealed.

III. Repeal. RSA 7: 35-b (supp) as inserted by 1969, 491: 2, relative to the salary of the Grafton county attorney is hereby repealed.

IV. Repeal. RSA 7: 35-c (supp) as inserted by 1969, 490: 2, relative to the salary of the Rockingham county attorney is hereby repealed.

V. Repeal. RSA 7: 35-d (supp) as inserted by 1970, 39: 1, relative to the salary of the Carroll county attorney is hereby repealed.

VI. Repeal. RSA 7: 35-e (supp) as inserted by 1970, 39: 5, relative to the salary of the Belknap county attorney is hereby repealed.

VII. Repeal. RSA 28: 28 (supp) as amended, relative to annual salaries for county commissioners is hereby repealed.

VIII. Repeal. RSA 28: 28-a (supp) as inserted by 1969, 237: 3, relative to the salaries of the Cheshire county commissioners is hereby repealed.

IX. Repeal. RSA 28: 28-b (supp) as inserted by 1969, 491: 4, relative to the salaries of the Grafton county commissioners is hereby repealed.

X. Repeal. RSA 28: 28-c (supp) as inserted by 1969, 490: 4, relative to the salaries of the Rockingham county commissioners is hereby repealed.

XI. Repeal. RSA 28: 28-d (supp) as inserted by 1970, 39: 9, relative to the salaries of the Belknap county commissioners is hereby repealed.

XII. Repeal. RSA 29: 14 (supp) as amended, relative to annual salaries for county treasurers is hereby repealed.

XIII. Repeal. RSA 29: 14-a (supp) as inserted by 1969, 237: 2, relative to the salary of the Cheshire county treasurer is hereby repealed.

XIV. Repeal. RSA 29: 14-b (supp) as inserted by 1969, 491: 8, relative to the salary of the Grafton county treasurer is hereby repealed.

XV. Repeal. RSA 29: 14-c (supp) as inserted by 1969, 490: 8, relative to the salary of the Rockingham county treasurer is hereby repealed.

XVI. Repeal. RSA 29: 16 (supp) as inserted by 1970, 39: 3, relative to the salary of the Carroll county treasurer is hereby repealed.

XVII. Repeal. RSA 29: 17 (supp) as inserted by 1970, 39: 7, relative to the salary of the Belknap county treasurer is hereby repealed.

XVIII. Repeal. RSA 104: 3-a (supp) as inserted by 1965, 162: 2, relative to the salary of the deputy sheriff of Sullivan county is hereby repealed.

XIX. Repeal. RSA 104: 3-b (supp) as inserted by 1967, 153: 3, relative to salary of deputy sheriffs in Carroll county is hereby repealed.

XX. Repeal. RSA 104: 3-c (supp) as inserted by 1967, 201: 2, and amended by 1969, 105: 1, relative to salaries of deputy sheriffs in Belknap county is hereby repealed.

XXI. Repeal. RSA 104: 3-d (supp) as inserted by 1969, 149: 3, relative to the appointment and salary of chief deputy sheriff and deputy sheriffs in Hillsborough county is hereby repealed.

XXII. Repeal. RSA 478: 18 (supp) as amended, relative to the salary of the register of deeds for Strafford county is hereby repealed.

XXIII. Repeal. RSA 478: 19 (supp) as inserted by 1963, 201: 1 and amended by 1969, 490: 6, relative to the salary of the register of deeds in Rockingham county is hereby repealed.

XXIV. Repeal. RSA 478: 22 (supp) as inserted by 1965, 292: 1 and amended by 1969, 491: 6, relative to the salary of the register of deeds in Grafton county is hereby repealed.

XXV. Repeal. RSA 478: 27 as inserted by 1965, 377: 1, relative to the salary of the register of deeds in Merrimack county is hereby repealed.

XXVI. Repeal. RSA 478:30 (supp) as inserted by 1967, 151:2 and amended by 1970, 39:12, relative to the salary of the register of deeds for Belknap county is hereby repealed.

XXVII. Repeal. RSA 478:32 as inserted by 1967, 250:1, relative to the salary of the register of deeds for Cheshire county is hereby repealed.

XXVIII. Repeal. RSA 478:36 as inserted by 1967, 377:2, relative to the salary of the register of deeds for Sullivan county is hereby repealed.

XXIX. Repeal. RSA 478:38 (supp) as inserted by 1969, 492:1, relative to the salary of the register of deeds for Hillsborough county is hereby repealed.

XXX. Repeal. The following sections are hereby repealed: RSA 7:35-e, RSA 7:35-f, RSA 28:28-e and RSA 29:14-d, as inserted by this act, are hereby repealed.

514:19 Power to Establish Certain Salaries. Amend RSA 23 by inserting after section 6 (supp) the following new section:

23:7 [New] Establishing Compensation. Every county shall have the power to establish salaries and expenses or other compensation paid to the county attorney, assistant county attorney, sheriff, chief deputy sheriff, deputy sheriffs, register of deeds, treasurer, deputy treasurer, and county commissioners. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee. In no case shall the salary or other compensation of any of the aforementioned officers be established at a lesser amount than that which was in effect December 31, 1972.

514:20 Effective Date. This act shall take effect as follows:

I. Sections 1, 2, 12, 13, 14, 15 and 17 shall take effect January 1, 1971.

II. Sections 10 and 16 shall take effect January 1, 1972.

III. Sections 18 and 19 shall take effect January 1, 1973.

IV. Sections 3, 4, 5, 6, 7, 8, 9 and 11 shall take effect upon passage.

[Approved July 6, 1971.]

[Effective date. I. Sections 1, 2, 12, 13, 14, 15 and 17 shall take effect January 1, 1971. II. Sections 10 and 16 shall take effect January 1, 1972. III. Sections 18 and 19 shall take effect January 1, 1973. IV. Sections 3, 4, 5, 6, 7, 8, 9 and 11 shall take effect July 6, 1971.]

CHAPTER 515.

AN ACT AMENDING THE BUSINESS PROFITS TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

515:1 Farmers' Gross Business Profits Clarified. Amend RSA 77-A:1, III, (e) (supp) as inserted by 1970, 5:1 by striking out in line four the word "capital" so that said paragraph as amended shall read as follows:

(e) In the case of a farm proprietorship, the amount shown as "net farm profit" on Schedule "F", or equivalent schedule, of the farmer's United States income tax return plus the net amount of any gains from the sale of assets held for use in farming, as shown on said return;

515:2 Gross Business Profits of Estates or Trusts Clarified. Amend RSA 77-A: 1, III, (f) (supp) as inserted by 1970, 5: 1 by striking out said paragraph and inserting in place thereof the following:

(f) In the case of a trust or estate, the amount shown as "net income from trade or business" on the statement attached to its United States fiduciary income tax return, plus the net income from rents and the net amount of any gains from the sale of assets held for use in trade or business or for rental purposes, as shown on said return;

515:3 Apportionment Qualifications and Formula. Amend RSA 77-A: 3 (supp) as inserted by 1970, 5: 1 by striking out said section and inserting in place thereof the following:

77-A: 3 Apportionment. A business organization (a) which derives gross business profits from business activity both within and without this state and (b) which is subject to a net income tax, a franchise tax measured by net income or a capital stock tax in another state or is subject to the jurisdiction of another state to impose a net income tax or capital stock tax upon it whether or not such tax is or is not actually imposed, shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion of such business profits. Except as hereinafter provided, such apportionment shall be made on the basis of the following three factors, equal weight to be given to each:

I. The percentage of value of the total real and tangible personal property employed by the business organization everywhere as is employed by it in the operation of its business within this state;

II. The percentage of the total wages, salaries, commissions and bonuses disbursed by the business organization to employees and salesmen everywhere as is disbursed by it for services rendered within this state. Such compensation is deemed to be disbursed for services in this state if the service is performed entirely within this state, or if the service is performed both within and without this state and the service performed without this state is incidental to the service within this state, or some of the service is performed in this state and (1) the base of operations or, if there is no base of operations the place from which the service is directed or controlled is in this state or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual performing such service resides within this state;

III. The percentage of the total sales (including charges for services) made by the business organization everywhere as is made by it within this state. Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and (1) the purchaser is the United States government or (2) the business organization is not taxable in the state of the purchaser. Sales other than sales of tangible personal property are in this state if the income-producing activity is performed in this state, or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance. The average of the three percentages shall be applied to the total gross business profits of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly reflect the extent of the business activities of a

business organization within this state, the business organization may petition for, or the commission may require modification or exclusion of one or more of the apportionment factors to effectuate an equitable apportionment of business profits. The business organization is entitled to a hearing by the commission on request in connection with any change in its apportionment procedure and has the right of appeal from the commission's determination as provided in RSA 77-A: 14.

515:4 Limiting Deduction of Foreign Income. Amend RSA 77-A: 4, I (supp) as inserted by 1970, 5: 1 by striking out said paragraph and inserting in place thereof the following:

I. A deduction of such amount of gross business profits as is attributable to interest and dividends from outside the United States from any source at least 30% of the ownership or control of which was held by the business organization. This deduction shall be made prior to the application of the apportionment provisions of RSA 77-A: 3.

515:5 Proceeds of Installment Sales. Amend RSA 77-A: 1, III by adding thereto after subparagraph (f) the following unnumbered paragraph:

Provided that if a partnership, proprietorship, farm proprietorship or trust has elected the installment method of reporting gains from the sale of real or personal property pursuant to section 453 of the United States Internal Revenue Code (1954) as amended, it may apply to the commission for leave to include in its gross business profits for any taxable period only that portion of such gain as has been recognized in such taxable period for Federal Income Tax purposes, which leave shall be granted unless the commission has reason to believe that the balance of any tax due on account of the whole amount of the gain will not be duly reported and paid.

515:6 Filing Declarations. Amend RSA 77-A: 6, II (supp) as inserted by 1970, 5: 1 by striking out in lines two, three and four the words "except those anticipating a gross business profit of less than ten thousand dollars during its subsequent taxable period" so that said paragraph as amended shall read as follows:

II. At the same time the return is filed as required by paragraph I of this section, every business organization shall in addition file a declaration of its estimated taxable business profits and estimated business profits tax for its subsequent taxable period. Such estimated taxable business profits and estimated business profits tax shall be at least equal to the taxable business profits and business profits tax reported on the return filed therewith, unless for good cause the commission permits the taxpayer to make a lesser estimate.

515:7 Late Filing Fee. Amend RSA 77-A: 6 (supp) as inserted by 1970, 5: 1 by inserting after paragraph II the following new paragraph:

III. Any business organization which fails to file any return or declaration at the time prescribed in this section or at the time prescribed by a duly granted extension under RSA 77-A: 9 shall pay at the time the return or declaration is filed, in addition to any tax liability and without assessment or demand, a late filing fee of ten dollars for each thirty day period or fraction thereof which has elapsed between the prescribed filing date and the date of actual filing.

515:8 Time of Payment. Amend RSA 77-A:7 (supp) as inserted by 1970, 5:1 and amended by 1970, 57:6 by striking out said section and inserting in place thereof the following:

77-A:7 Payments.

I. One quarter of the taxpayer's estimated business profits tax for the subsequent taxable period is due and payable at the time the taxpayer files the declaration required in RSA 77-A:6, II; one quarter is due and payable three months thereafter; one quarter is due and payable six months thereafter; and one quarter is due and payable nine months thereafter. If the return required by RSA 77-A:6, I, shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, the commission shall refund such overpayment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payments due, to the extent of the overpayment, at the taxpayer's option.

II. Any business organization which fails to make payment when due shall, in addition pay a late payment charge equal to ten percent of the defaulted payment plus interest computed at the rate of one percent per month or fraction thereof from the prescribed payment date to the date payment is actually made. Such late payment charge and interest shall be in addition to any late filing fee which may be due under the provisions of RSA 77-A:6, III.

515:9 Additional Returns. Amend RSA 77-A:8 (supp) as inserted by 1970, 5:1 by striking out in line ten the words "interest on payments not made when due" and inserting in place thereof the words (any late payment charge and interest imposed in accordance with RSA 77-A:7, II), so that said section as amended shall read as follows:

77-A:8 Additional Returns. When the commission has reason to believe that a taxpayer has failed to file a return or to include any part of its gross business profits in a filed return, the commission may require the taxpayer to file a return or a supplementary return showing such additional information as the commission prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commission, the commission may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the taxpayer of any penalty for failure to make a correct original return or relieve it from liability for any late payment charge and interest imposed in accordance with RSA 77-A:7, II.

515:10 Interest Rate Under Extension of Time. Amend RSA 77-A:9 (supp) as inserted by 1970, 5:1 by inserting in line four after the word "penalty" the words (or late payment charge) and by inserting in line five after the word "interest" the words (at the rate of ten percent per year) so that said section as amended shall read as follows:

77-A:9 Extension of Time for Returns. For good cause, the commission may extend the time within which a taxpayer is required to file a return, and if such return is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter, but the taxpayer shall be liable for interest at the rate of ten percent per year on payments not made when they otherwise would be due but for the grant of extension.

515:11 Exchange of Information With Authorities of Other States. Amend RSA 77-A: 16, IV (supp) as inserted by 1970, 5: 1 by inserting at the end thereof the words (or with revenue officials of other states imposing taxes similar to the tax imposed by this chapter, under appropriate reciprocal agreements;) so that said paragraph, as amended, shall read as follows:

IV. Exchange of information with the United States Internal Revenue Service in accordance with compacts made and provided for such cases or with revenue officials of other states imposing taxes similar to the tax imposed by this chapter, under appropriate reciprocal agreements;

515:12 Penalty for Breach of Confidentiality. Amend RSA 77-A: 16 (supp) as inserted by 1970, 5: 1 by inserting after paragraph V the following new paragraph:

VI. Violation of this section is punishable by a fine not to exceed two thousand dollars or by imprisonment for not more than one year, or both; and if the offender is an officer or employee of the state he shall in addition be removed from his office or dismissed from his employment.

515:13 Lien for Unpaid Taxes. Amend RSA 77-A (supp) by inserting after section 18 the following new section:

77-A: 19 [New] Lien for Tax. No lien upon real estate for taxes imposed by this chapter is valid and binding against any person other than the taxpayer until notice of such lien stating the name and address of the taxpayer and the amount of the tax due shall have been filed and recorded in the registry of deeds in the grantor index in the county in which such real estate is located.

515:14 Tax Rate. Amend RSA 77-A: 2 by striking the word "six" therefrom and substituting in place thereof the word (seven) so that the section as amended shall read as follows:

77-A: 2 Imposition of Tax. A tax is imposed at the rate of seven percent upon the taxable business profits of every business organization.

515:15 Minimum Deduction for Personal Services. Amend RSA 77-A: 4, IV by striking out the same and inserting in place thereof the following:

IV. In the case of a sole proprietorship, including farm proprietorship, or partnership, a deduction equal to a fair and reasonable compensation for the personal services of the proprietor or partners actually devoting time and effort in the operation of the enterprise. The purpose of this paragraph is to permit deduction from gross business profits of a proprietorship or partnership only of such amounts as are fairly attributable to the personal services of the proprietor or partners. In the event there is occasion to determine the reasonableness of deduction claimed under this paragraph the commission shall consider the claimed deduction in light of compensation for personal services of employees in positions requiring similar responsibility, devotion of time, education and experience in business organizations of similar size, volume and complexity. In addition, the commission may take into account the value to the proprietorship or partnership of the labor of its employees and the use of its property and any other factor which may reasonably assist the commission in making a determination. Such deduction as is claimed by the taxpayer shall be deemed reasonable unless the commission finds, by a preponderance of the evidence upon the standards herein set forth and after notice and hearing that the

claimed deduction is grossly excessive. Provided, that a taxpayer ascertaining its gross business profits in this state by the allocation procedure established in RSA 77-A: 3 is allowed only such percentage of the deductions allowable in paragraphs II, III and IV of this section as has been applied by it in ascertaining its gross business profits in this state. Provided further that subject to the preceding sentence, a minimum deduction of three thousand dollars shall be allowed on account of the proprietor or each partner actually devoting time and effort in the operation of the enterprise.

515:16 Repeal. RSA 77-A:5, IV (supp) as inserted by 1970, 5:1 providing a credit against the business profits tax for taxes paid pursuant to RSA chapter 82 is hereby repealed.

515:17 Effective Date. Sections 1 through 15 of this act shall take effect upon passage provided that sections 1 through 4 and sections 6 through 15 shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1971 and provided further section 5 shall apply to the returns and taxes due after April 22, 1970. Section 16 shall take effect December 31, 1970.

[Approved July 7, 1971.]

[Effective date. Effective as provided in 515: 17.]

CHAPTER 516.

AN ACT BROADENING THE SCOPE OF THE COMMON LAW DOCTRINE OF CY PRES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

516:1 Cy Pres. Amend RSA 498 by inserting after section 4 the following new sections:

498:4-a [New] Cy Pres Doctrine. If property is or has been given in trust to be applied to a charitable purpose, and said purpose or its application is or becomes impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out, the trust will not fail. Upon petition by the trustee or trustees or the attorney general the superior court may direct the application of the property to some charitable purpose which is useful to the community, and which charitable purpose fulfills as nearly as possible the general charitable intent of the settlor or testator. In applying the doctrine of cy pres, the court may order the distribution of the trust assets to another charitable trust or to a charitable corporation to be held and administered by it in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under RSA 498: 4-a and 4-b.

498:4-b [New] Federal Taxation. Whenever it shall be made to appear to the court that the intention of the testator or settlor of a charitable trust will be frustrated in whole or in part by reason of a tax imposed under the United States Internal Revenue Code on the income or principal of the trust, or by reason of administrative burden or disproportionate cost of administration, then the court, in order to prevent the diversion of funds from the charitable purpose by federal taxation, may enter a decree:

I. Modifying or enlarging the powers granted the trustee, or declaring that a trustee does not have certain powers under New Hampshire law to the extent necessary in order to bring the terms of the governing instrument into compliance with the tax exemption requirements of federal law.

II. Authorizing the trustee to make charitable distributions from principal.

III. Terminating the trust and directing the distribution of the trust assets to another charitable trust or to a charitable corporation, to be held and administered in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under RSA 498: 4-a and 4-b.

IV. Removing the trustee or trustees, or, directing the appointment of new or additional trustees.

V. Reducing or limiting the charitable organizations or classes of charitable organizations or charitable objects which may be benefited under the trust instrument.

498: 4-c [New] Inapplicability of Cy Pres. Whenever it shall appear to the court that any proposed cy pres application would not be proper because it is in violation of New Hampshire law, the court shall enter a decree denying said proposed cy pres application and stating the reason therefor.

516: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 517.

AN ACT RELATIVE TO REAL ESTATE INVESTMENTS BY COOPERATIVE BANKS, BUILDING AND LOAN ASSOCIATIONS AND SAVINGS AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

517: 1 Real Estate Investments. Amend RSA 393: 24 by inserting after paragraph II the following new paragraph:

III. The assets of cooperative banks, building and loan associations and savings and loan associations may be invested in fee simple interests in real estate which the association may from time to time acquire by foreclosure, by the acceptance of a deed in lieu of foreclosure, or by purchase. The association may lease and convey real estate so acquired and may invest their assets in the improvement or development of such real estate. The book value of the investments in real estate acquired by an association under the authority of this section shall not exceed five percent of its deposits. The authority to purchase real estate shall be limited to real estate located in New Hampshire, but in lieu of direct purchase may include acquisition of not more than forty-five percent of the capital stock in a New Hampshire corporation holding fee simple interests in New Hampshire real estate, the primary corporate purposes of which, as stated in the

articles of agreement thereof, are solely the purchase, holding, sale, rental or development of such real estate. Provided that such investments shall be solely for the purpose of developing housing units and supportive facilities; and no individual investment shall be held for more than six years.

517:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 518.

AN ACT TO ESTABLISH A CRIMINAL CODE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

518:1 Criminal Code Established. Amend RSA by inserting after title LXI the following new title.

TITLE LXII [NEW] CRIMINAL CODE

CHAPTER 625

PRELIMINARY

625:1 Name. This title shall be known as the Criminal Code.

625:2 Effective Date.

I. This code shall take effect on November 1, 1973.

II. Prosecution for offenses committed prior to the effective date of this code shall be governed by the prior law, which is continued in effect for that purpose as if this code were not in force; provided, however, that in any such prosecution the court may, with the consent of the defendant, impose sentence under the provisions of this code.

III. For purposes of this section, an offense was committed prior to the effective date if any of the elements of the offense occurred prior thereto.

625:3 Construction of the Code. The rule that penal statutes are to be strictly construed does not apply to this code. All provisions of this code shall be construed according to the fair import of their terms and to promote justice.

625:4 Territorial Jurisdiction.

I. Except as otherwise provided in this section, a person may be convicted under the laws of this state for any offense committed by his own conduct or by the conduct of another for which he is legally accountable if:

(a) either conduct which is an element of the offense or the result which is such an element occurs within this state; or

(b) conduct occurring outside this state constitutes an attempt to commit an offense under the laws of this state and the purpose is that the offense take place within this state; or

(c) conduct occurring outside this state would constitute a criminal conspiracy under the laws of this state, and an overt act in furtherance

of the conspiracy occurs within this state, and the object of the conspiracy is that an offense take place within this state; or

(d) conduct occurring within this state would constitute complicity in the commission of, or an attempt, solicitation or conspiracy to commit an offense in another jurisdiction which is also an offense under the law of this state; or

(e) the offense consists of the omission to perform a duty imposed on a person by the law of this state regardless of where that person is when the omission occurs; or

(f) jurisdiction is otherwise provided by law.

II. Paragraph I(a) does not apply if

(a) causing a particular result or danger of causing that result is an element and the result occurs or is designed or likely to occur only in another jurisdiction where the conduct charged would not constitute an offense; or

(b) causing a particular result is an element of an offense and the result is caused by conduct occurring outside the state which would not constitute an offense if the result had occurred there.

III. When the offense is homicide, either the death of the victim or the bodily impact causing death constitutes a "result" within the meaning of paragraph I(a) and if the body of a homicide victim is found within this state, it is presumed that such result occurred within the state.

IV. This state includes the land and water and the air space above such land and water with respect to which the state has legislative jurisdiction.

625:5 Civil Actions. This code does not bar, suspend, or otherwise affect any right or liability for damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in such civil action constitutes an offense defined in this code.

625:6 All Offenses Defined by Statute. No conduct or omission constitutes an offense unless it is a crime or violation under this code or under another statute.

625:7 Application to Offenses Outside the Code. The provisions of RSA 625 through 629 are applicable to offenses defined outside this code unless the code otherwise provides.

625:8 Limitations.

I. Except as otherwise provided in this section, prosecutions are subject to the following periods of limitations:

- (a) for a class A felony, six years;
- (b) for a class B felony, six years;
- (c) for a misdemeanor, one year;
- (d) for a violation, three months.

II. Murder may be prosecuted at any time.

III. If the period prescribed in paragraph I has expired, a prosecution may nevertheless be commenced

(a) within one year after its discovery by an aggrieved party or by a person who has a duty to represent such person and who is himself not a party to the offense for a theft where possession of the property was lawfully obtained and subsequently misappropriated or for any offense, a material element of which is either fraud or a breach of fiduciary duty; or

(b) for any offense based upon misconduct in office by a public servant, at any time when the defendant is in public office or within two years thereafter.

IV. Time begins to run on the day after all elements of an offense have occurred or, in the case of an offense comprised of a continuous course of conduct, on the day after that conduct or the defendant's complicity therein terminates.

V. A prosecution is commenced on the day when a warrant or other process is issued, an indictment returned, or an information is filed, whichever is the earliest.

VI. The period of limitations does not run

(a) during any time when the accused is continuously absent from the state or has no reasonably ascertainable place of abode or work within this state; or

(b) during any time when a prosecution is pending against the accused in this state based on the same conduct.

625: 9 Classification of Crimes.

I. The provisions of this section govern the classification of every offense, whether defined within this code or by any other statute.

II. Every offense is either a felony, misdemeanor or violation.

(a) Felonies and misdemeanors are crimes.

(b) A violation does not constitute a crime and conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

III. A felony is murder or a crime so designated in this code or a crime defined by statute outside of this code where the maximum penalty provided is imprisonment in excess of one year: provided, however, that a crime defined by statute outside of this code is a felony when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than two hundred dollars.

(a) Felonies other than murder are either class A felonies or class B felonies when committed by an individual. Felonies committed by a corporation or an unincorporated association are unclassified.

(1) Class A felonies are crimes so designated in this code and any crime defined by statute outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of seven years.

(2) Class B felonies are crimes so designated in this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of one year but not in excess of seven years.

IV. A misdemeanor is any crime so designated in this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year: provided, however, that a crime defined by statute outside of this code is a misdemeanor when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than fifty dollars but not more than two hundred dollars.

V. A violation is an offense so designated in this code and, except as provided in this paragraph, any offense defined outside of this code for which there is no other penalty provided other than a fine or fine and forfeiture or other civil penalty. In the case of a corporation or an unincorporated association, offenses defined outside of this code are violations if the amount of any such fine provided does not exceed fifty dollars.

625: 10 Burden of Proof. No person may be convicted of an offense unless each element of such offense is proved beyond a reasonable doubt. In the absence of such proof, the innocence of the defendant is assumed.

625: 11 General Definitions. The following definitions apply to this code.

I. "Conduct" means an action or omission, and its accompanying state of mind, or, a series of acts or omissions:

II. "Person", "he", and "actor" include any natural person and, a corporation or an unincorporated association:

III. "Element of an offense" means such conduct, or such attendant circumstances, or such a result of conduct as

(a) is included in the definition of the offense; or

(b) establishes the required kind of culpability; or

(c) negatives an excuse or justification for such conduct; or

(d) negatives a defense under the statute of limitations; or

(e) establishes jurisdiction or venue;

IV. "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unrelated to (1) the harm sought to be prevented by the definition of the offense, or (2) any justification or excuse for the prescribed conduct.

V. "Deadly weapon" means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.

VI. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body.

CHAPTER 626

GENERAL PRINCIPLES

626: 1 Requirement of a Voluntary Act.

I. A person is not guilty of an offense unless his criminal liability is based on conduct that includes a voluntary act or the voluntary omission to perform an act of which he is physically capable.

II. Possession is a voluntary act if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

626: 2 General Requirements of Culpability.

I. A person is guilty of murder, a felony, or a misdemeanor only if he acts purposely, knowingly, recklessly or with gross negligence, as the law may require, with respect to each material element of the offense. He may be guilty of a violation without regard to such culpability. When the law defining an offense prescribes the kind of culpability that is sufficient for its commission, without distinguishing among the material elements thereof, such culpability shall apply to all the material elements, unless a contrary purpose plainly appears.

II. The following are culpable mental states:

(a) "Purposely." A person acts purposely with respect to a material element of an offense when his conscious object is to cause the result or engage in the conduct that comprises the element.

(b) "Knowingly." A person acts knowingly with respect to conduct or to a circumstance that is a material element of an offense when he is aware that his conduct is of such nature or that such circumstances exist.

(c) "Recklessly." A person acts recklessly with respect to a material element of an offense when he is aware of and consciously disregards a sub-

stantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the circumstances known to him, its disregard constitutes a gross deviation from the conduct that a law-abiding person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of having voluntarily engaged in intoxication or hypnosis also acts recklessly with respect thereto.

(d) "Gross Negligence." A person acts with gross negligence with respect to a material element of an offense when he fails to become aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that his failure to become aware of it constitutes a gross deviation from the conduct that a reasonable person would observe in the situation.

III. When the law provides that negligence suffices to establish an element of an offense, such element is also established if the person acts purposely, knowingly or recklessly. When recklessness suffices, the element is also established if the person acts purposely or knowingly. When acting knowingly suffices, the element is also established if a person acts purposely.

IV. A requirement that an offense be committed wilfully is satisfied if the person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements appears.

V. Neither knowledge nor recklessness nor negligence as to whether conduct constitutes an offense or as to the existence or meaning of the law defining the offense is an element of such offense, unless the law so provides.

626: 3 Effect of Ignorance or Mistake.

I. A person is not relieved of criminal liability because he acts under a mistaken belief of fact unless:

(a) The mistake negatives the culpable mental state required for commission of the offense; or

(b) The statute defining the offense expressly provides that such mistake is a defense; or

(c) Such mistake supports a defense of justification as defined in RSA 627.

II. A person is not relieved of criminal liability because he acts under a mistaken belief that his conduct does not, as a matter of law, constitute an offense unless his belief is founded upon a statement of the law contained in a statute or other enactment, or an administrative order or grant of permission, or a judicial decision of a state or federal court, or a written interpretation of the law relating to the offense officially made by a public servant, agency or body legally empowered with authority to administer, enforce or interpret such law. The defendant must prove a defense arising under this subsection by a preponderance of evidence.

626: 4 Intoxication. Intoxication is not, as such, a defense. The defendant may, however, introduce evidence of intoxication whenever it is relevant to negate an element of the offense charged, and it shall be taken into consideration in determining whether such element has been proved beyond a reasonable doubt.

626: 5 Entrapment. It is an affirmative defense that the actor committed the offense because he was induced or encouraged to do so by a law enforcement official or by a person acting in cooperation with a law enforcement official, for the purpose of obtaining evidence against him and when

the methods used to obtain such evidence were such as to create a substantial risk that the offense would be committed by a person not otherwise disposed to commit it. However, conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.

626: 6 Consent.

I. The consent of the victim to conduct constituting an offense is a defense if such consent negatives an element of the offense or precludes the harm sought to be prevented by the law defining the offense.

II. When conduct constitutes an offense because it causes or threatens bodily harm, consent to the conduct is a defense if the bodily harm is not serious; or the harm is a reasonably foreseeable hazard of lawful activity.

III. Consent is no defense if it is given by a person legally incompetent to authorize the conduct or by one who, by reason of immaturity, insanity, intoxication or use of drugs is unable and known by the actor to be unable to exercise a reasonable judgment as to the harm involved.

626: 7 Defenses; Affirmative Defenses and Presumptions.

I. When evidence is admitted on a matter declared by this code to be

(a) a defense, the state must disprove such defense beyond a reasonable doubt; or

(b) an affirmative defense, the defendant has the burden of establishing such defense by a preponderance of the evidence.

II. When this code establishes a presumption with respect to any fact which is an element of an offense, it has the following consequences:

(a) when there is evidence of the facts which give rise to the presumption, the issue of the existence of the presumed fact must be submitted to the jury, unless the court is satisfied that the evidence as a whole clearly negatives the presumed fact; and

(b) when the issue of the existence of the presumed fact is submitted to the jury, the court shall charge that while the presumed fact must, on all the evidence, be proved beyond a reasonable doubt, the law declares that the jury may regard the facts giving rise to the presumption as sufficient evidence of the presumed fact.

626: 8 Criminal Liability for Conduct of Another.

I. A person is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is legally accountable, or both.

II. A person is legally accountable for the conduct of another person when:

(a) acting with the kind of culpability that is sufficient for the commission of the offense, he causes an innocent or irresponsible person to engage in such conduct; or

(b) he is made accountable for the conduct of such other person by the law defining the offense; or

(c) he is an accomplice of such other person in the commission of the offense.

III. A person is an accomplice of another person in the commission of an offense if:

(a) with the purpose of promoting or facilitating the commission of the offense, he solicits such other person in committing it, or aids or agrees or attempts to aid such other person in planning or committing it; or

(b) his conduct is expressly declared by law to establish his complicity.

IV. When causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense, if he acts with the kind of culpability, if any, with respect to that result that is sufficient for the commission of the offense.

V. A person who is legally incapable of committing a particular offense himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

VI. Unless otherwise provided, a person is not an accomplice in an offense committed by another person if:

(a) he is the victim of that offense; or

(b) the offense is so defined that his conduct is inevitably incident to its commission; or

(c) he terminates his complicity prior to the commission of the offense and wholly deprives it of effectiveness in the commission of the offense or gives timely warning to the law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

VII. An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree of offense or has an immunity to prosecution or conviction or has been acquitted.

CHAPTER 627

JUSTIFICATION

627:1 General Rule. Conduct which is justifiable under this chapter constitutes a defense to any offense. The fact that such conduct is justifiable, however, does not abolish or impair any remedy for such conduct which is available in any civil action.

627:2 Public Duty.

I. Any conduct, other than the use of physical force under circumstances specifically dealt with in other sections of this chapter, is justifiable when it is authorized by law, including laws defining functions of public servants or the assistance to be rendered public servants in the performance of their duties; laws governing the execution of legal process or of military duty; and judgments or orders of courts or other tribunals.

II. The justification afforded by this section to public servants is not precluded by the fact that the law, order or process was defective provided it appeared valid on its face or, as to persons assisting public servants, by the fact that the public servant to whom assistance was rendered exceeded his legal authority or that there was a defect of jurisdiction in the legal process or decree of the court or tribunal, provided the actor believed the public servant to be engaged in the performance of his duties or that the legal process or court decree was competent.

627:3 Competing Harms.

I. Conduct which the actor believes to be necessary to avoid harm to himself or another is justifiable if the desirability and urgency of avoiding such harm outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the statute defining the offense charged. The desirability and urgency of such conduct may not rest upon considerations pertaining to the morality and advisability of such statute, either in its general or particular application.

II. When the actor was reckless or negligent in bringing about the circumstances requiring a choice of harms or in appraising the necessity of his conduct, the justification provided in paragraph I does not apply in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish criminal liability.

627: 4 Physical Force in Defense of a Person.

I. A person is justified in using non-deadly force upon another person in order to defend himself or a third person from what he reasonably believes to be the imminent use of unlawful, non-deadly force by such other person, and he may use a degree of such force which he reasonably believes to be necessary for such purpose. However, such force is not justifiable if:

(a) With a purpose to cause physical harm to another person, he provoked the use of unlawful, non-deadly force by such other person; or

(b) He was the initial aggressor, unless after such aggression he withdraws from the encounter and effectively communicates to such other person his intent to do so, but the latter notwithstanding continues the use or threat of unlawful, non-deadly force; or

(c) The force involved was the product of a combat by agreement not authorized by law.

II. A person is justified in using deadly force upon another person when he reasonably believes that such other person

(a) Is about to use unlawful, deadly force against the actor or a third person, or

(b) Is likely to use any unlawful force against a person present while committing or attempting to commit a burglary, or

(c) Is committing or about to commit kidnapping or a forcible sex offense.

III. A person is not justified in using deadly force on another to defend himself or a third person from deadly force by the other if he knows that he and the third person can, with complete safety

(a) Retreat from the encounter, except that he is not required to retreat if he is in his dwelling and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he abstain from performing an act which he is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the actor has provoked the use of force against himself in the same encounter.

(d) If he is a law enforcement officer or a private person assisting him at his direction and was acting pursuant to RSA 627: 5, he need not retreat.

627: 5 Physical Force in Law Enforcement.

I. A law enforcement officer is justified in using non-deadly force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or detention or to prevent the escape from custody of an arrested or detained person, unless he knows that the arrest or detention is illegal, or to defend himself or a third person from what he reasonably believes to be the imminent use of non-deadly force encountered while attempting to effect such an arrest or detention or while seeking to prevent such an escape.

II. A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary

(a) to defend himself or a third person from what he reasonably believes is the imminent use of deadly force; or

(b) to effect an arrest or prevent the escape from custody of a person whom he reasonably believes

(1) has committed a felony, or is using a deadly weapon in attempting to escape, or otherwise indicates that he is likely seriously to endanger human life or to inflict serious bodily injury unless apprehended without delay; and

(2) he had made reasonable efforts to advise the person that he is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts:

(c) nothing in this paragraph constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom he is not seeking to arrest or retain in custody.

III. A private person who has been directed by a law enforcement officer to assist him in effecting an arrest or preventing an escape from custody is justified in using

(a) non-deadly force when and to the extent that he reasonably believes such to be necessary to carry out the officer's direction, unless he believes the arrest is illegal; or

(b) deadly force only when he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force, or when the law enforcement officer directs him to use deadly force and he believes such officer himself is authorized to use deadly force under the circumstances.

IV. A private person acting on his own is justified in using non-deadly force upon another when and to the extent that he reasonably believes it necessary to arrest or prevent the escape from custody of such other whom he reasonably believes to have committed a felony and who in fact has committed that felony: but he is justified in using deadly force for such purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force.

V. A guard or law enforcement officer in a facility where persons are confined, pursuant to an order of a court or as a result of an arrest, is justified in using deadly force against such persons under the circumstances described in paragraph II of this section. They are justified in using non-deadly force when and to the extent they reasonably believe it necessary to prevent any other escape from such a facility.

VI. A reasonable belief that another has committed an offense means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape.

VII. Use of force that is not justifiable under this section in effecting an arrest does not render illegal an arrest that is otherwise legal and the use of such unjustifiable force does not render inadmissible anything seized incident to a legal arrest.

627: 6 Physical Force by Persons with Special Responsibilities.

I. A parent, guardian or other person responsible for the general care and welfare of a minor is justified in using force against such minor when and to the extent that he reasonably believes it necessary to prevent or punish such minor's misconduct.

II. A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes, is justified on the premises in using

necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.

III. A person responsible for the general care and supervision of an incompetent person is justified in using force for the purpose of safeguarding his welfare, or, when such incompetent person is in an institution for his care and custody, for the maintenance of reasonable discipline in such institution.

IV. The justification extended in paragraph I, II, and III does not apply to the malicious or reckless use of force that creates a risk of death, serious bodily injury, or substantial pain.

V. A person authorized by law to maintain decorum or safety in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled may use non-deadly force when and to the extent that he reasonably believes it necessary for such purposes, but he may use deadly force only when he reasonably believes it necessary to prevent death or serious bodily injury.

VI. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use a degree of force on such person as he reasonably believes to be necessary to thwart such a result.

VII. A licensed physician, or a person acting under his direction, may use force for the purpose of administering a recognized form of treatment which he reasonably believes will tend to promote the physical or mental health of the patient, provided such treatment is administered

(a) with consent of the patient or, if the patient is a minor or incompetent person, with the consent of the person entrusted with his care and supervision; or

(b) in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person concerned for the welfare of the patient would consent.

627: 7 Use of Force in Defense of Premises. A person in possession or control of premises or a person who is licensed or privileged to be thereon is justified in using non-deadly force upon another when and to the extent that he reasonably believes it necessary to prevent or terminate the commission of a criminal trespass by such other in or upon such premises, but he may use deadly force under such circumstances only in defense of a person as prescribed in RSA 627: 4 or when he reasonably believes it necessary to prevent an attempt by the trespasser to commit arson.

627: 8 Use of Force in Property Offenses. A person is justified in using force upon another when and to the extent that he reasonably believes it necessary to prevent what is or reasonably appears to be an unlawful taking of his property, or criminal mischief, or to retake his property immediately following its taking; but he may use deadly force under such circumstances only in defense of a person as prescribed in RSA 627: 4.

627: 9 Definitions. As used in this chapter:

I. "Deadly force" means any assault or confinement which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person or at a vehicle in which another is believed to be constitutes deadly force.

II. "Non-deadly force" means any assault or confinement which does not constitute deadly force.

CHAPTER 628

RESPONSIBILITY

628:1 Immaturity. A person less than fifteen years old is not criminally responsible for his conduct, but may be adjudged to be a juvenile delinquent.

628:2 Insanity.

I. A person who is insane at the time he acts is not criminally responsible for his conduct. Any distinction between a statutory and common law defense of insanity is hereby abolished and invocation of such defense waives no right an accused person would otherwise have.

II. Evidence of insanity is not admissible unless the defendant within ten days after entering his plea of not guilty or at such later time as the court may for good cause permit, notifies the court and the state of his purpose to rely on such defense.

CHAPTER 629

INCHOATE CRIMES

629:1 Attempt.

I. A person is guilty of an attempt to commit a crime if, with a purpose that a crime be committed, he does or omits to do anything which, under the circumstances as he believes them to be, is an act or omission constituting a substantial step toward the commission of the crime.

II. As used in this section, "substantial step" means conduct that is strongly corroborative of the actor's criminal purpose.

III. It is an affirmative defense to prosecution under this section that the actor voluntarily renounces his criminal purpose by abandoning his effort to commit the crime or otherwise preventing its commission under circumstances manifesting a complete withdrawal of his criminal purpose.

A renunciation is not "voluntary" if it is substantially motivated by circumstances the defendant was not aware of at the inception of his conduct which increase the probability of his detection or which make more difficult the commission of the crime. Renunciation is not complete if the purpose is to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim.

IV. The penalty for attempt is the same as that authorized for the crime that was attempted, except that in the case of an attempt to commit murder it is a class A felony.

629:2 Criminal Solicitation.

I. A person is guilty of criminal solicitation if, with a purpose that another engage in conduct constituting a crime, he commands, solicits or requests such other person to engage in such conduct.

II. It is an affirmative defense to prosecution under this section that the actor renounced his criminal purpose by persuading the other not to engage in the criminal conduct or by otherwise preventing commission of the crime under circumstances manifesting a purpose that it not occur.

III. It is no defense to prosecution under this section that the person solicited would be immune from liability for engaging in the criminal con-

duct by virtue of irresponsibility, incapacity or exemption.

IV. The penalty for criminal solicitation is the same as that authorized for the crime that was solicited, except that in the case of solicitation of murder it is a class A felony.

629: 3 Conspiracy.

I. A person is guilty of conspiracy if, with a purpose that a crime defined by statute be committed, he agrees with one or more persons to commit or cause the commission of such crime, and an overt act is committed by one of the conspirators in furtherance of the conspiracy.

II. For purposes of paragraph I, "one or more persons" includes, but is not limited to, persons who are immune from criminal liability by virtue of irresponsibility, incapacity or exemption.

III. It is an affirmative defense to prosecution under this statute that the actor renounces his criminal purpose by giving timely notice to a law enforcement official of the conspiracy and of the actor's part in it, or by conduct designed to prevent commission of the crime agreed upon.

IV. The penalty for conspiracy is the same as that authorized for the crime that was the object of the conspiracy, except that in the case of a conspiracy to commit murder, it is a class A felony.

CHAPTER 630

HOMICIDE

630: 1 Murder.

I. A person is guilty of murder if he

(a) purposely or knowingly causes the death of another; or

(b) causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit arson, burglary or any felony against the person.

II. As used in this section and RSA 630:2 and 3, the meaning of "another" does not include a foetus.

630: 2 Manslaughter. A person is guilty of a class A felony when he causes the death of another

I. recklessly; or

II. under the influence of extreme mental or emotional disturbance but which would otherwise constitute murder.

630: 3 Negligent Homicide. A person is guilty of a class B felony when he causes the death of another:

I. Negligently; or

II. In consequence of his being under the influence of intoxicating liquor or controlled drug while operating a propelled vehicle, as defined in RSA 637: 9, II or a boat, as defined in RSA 631: 5, II.

630: 4 Causing or Aiding Suicide.

I. A person is guilty of causing or aiding suicide if he purposely aids or solicits another to commit suicide.

II. Causing or aiding suicide is a class B felony if the actor's conduct causes such suicide or an attempted suicide. Otherwise it is a misdemeanor.

CHAPTER 631

ASSAULT AND RELATED OFFENSES

631:1 Assault.

I. A person is guilty of assault if he

(a) attempts to cause or purposely or recklessly causes bodily injury or physical contact to another; or

(b) negligently causes bodily injury to another with a deadly weapon.

II. Assault is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation.

631:2 Aggravated Assault. A person is guilty of a class B felony if he attempts to cause or purposely, knowingly, or recklessly causes

I. serious bodily injury to another; or

II. bodily injury to another by means of a deadly weapon; or

III. bodily injury to another under circumstances manifesting extreme indifference to the value of human life.

631:3 Reckless Conduct. A person is guilty of a misdemeanor if he recklessly engages in conduct which places or may place another in danger of serious bodily injury.

631:4 Criminal Threatening. A person is guilty of an offense when,

I. By physical conduct, he purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

II. He threatens to commit any crime against the person of another with a purpose to terrorize any person; or

III. He threatens to commit any crime of violence with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience.

IV. The offense is a misdemeanor, except a violation of paragraph III, which is a class B felony.

631:5 Operating Boats Under Influence of Liquor or Drugs.

I. A person is guilty of a misdemeanor if he operates a boat while under the influence of intoxicating liquor or a controlled drug.

II. The meaning of "boat" as used in this section includes any craft that is propelled on the water by motor, sail, or any mechanical means.

III. Any person convicted of a violation of

(a) this section; or

(b) RSA 630:2 or 3, or RSA 631:1, 2 or 3 wherein the offense was committed by means of his operation of a boat:

shall not operate a boat on the waters of this state for a period of one year from the date of his conviction, whether or not such conviction is appealed. Any person operating a boat during such a period is guilty of a misdemeanor.

631:6 Failure to Report Injuries. A person is guilty of a misdemeanor if, having knowingly treated or assisted another for a gunshot wound or for any other injury he believes to have been caused by a criminal act, he fails immediately to notify a law enforcement official of all the information he possesses concerning the injury.

CHAPTER 632

RAPE

632:1 Rape.

I. A male who has sexual intercourse with a female not his wife is guilty of a class A felony if

(a) he compels her to submit by force, or by threatening imminent force or serious bodily injury, or kidnapping to be inflicted on anyone; or

(b) he has substantially impaired her power to appraise or control her conduct by administering without her knowledge a substance for purposes of preventing resistance; or

(c) the female is unconscious or less than fifteen years old; or

(d) he knows that she suffers from a mental abnormality which renders her incapable of appraising the nature of her conduct; or

(e) he knows she is unaware of the sexual nature of the act being committed upon her.

II. Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

632:2 Deviate Sexual Relations.

I. Any person, male or female, who engages in deviate sexual relations with another who is not his spouse is guilty of a class A felony if:

(a) He compels the other person to submit by force or by threatening imminent force or serious bodily injury, or kidnapping, to be inflicted on anyone; or

(b) He has substantially impaired the other person's power to control his conduct by administering without the knowledge of the other person a substance for the purpose of preventing resistance; or

(c) The person is unconscious or less than fifteen years old; or

(d) He knows that the other person suffers from an abnormality which renders the other person incapable of appraising the nature of his conduct; or

(e) He knows that the other person submits because he is unaware of the sexual nature of the act being committed upon him.

II. Any person who engages in deviate sexual relations with another not his spouse under any other circumstances, except those specified in RSA 632: 4, is guilty of a misdemeanor. No person shall be convicted under this paragraph solely upon the testimony of a partner in guilt.

III. Any person who has any form of sexual intercourse with an animal is guilty of a misdemeanor.

IV. Deviate sexual relations means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another.

632:3 Sexual Assault.

I. Any person, male or female, who purposely engages in any sexual contact with another person, not his spouse, is guilty of a misdemeanor if:

(a) He knows that the contact is offensive to the other; or

(b) He knows that the other person suffers from a mental abnormality which renders him incapable of appraising the nature of his conduct; or

(c) He knows that the other person is unaware that a sexual contact is being committed; or

(d) The other person is less than fourteen years old; or

(e) He has substantially impaired the other person's power to appraise or control his conduct by administering without the other's knowledge a substance for purposes of preventing resistance.

II. Sexual contact means any touching of the sexual or other intimate parts of a person, including the female breasts and buttocks.

632: 4 Corruption of Minors.

I. Any person seventeen years of age or older, male or female, is guilty of a class B felony if he has sexual relations with another who is more than fourteen and less than seventeen years of age.

II. For the purposes of this section, "sexual relations" means sexual intercourse as defined in RSA 632: 1 and deviate sexual relations as defined in RSA 632: 2.

632: 5 Limitations of Prosecution. Except in those cases where the victim was under the age of fifteen, no prosecution may be maintained under this chapter unless the alleged offense was brought to the attention of a police officer within six months of its occurrence.

CHAPTER 633

INTERFERENCE WITH FREEDOM

633: 1 Kidnapping.

I. A person is guilty of kidnapping if he knowingly confines another under his control with a purpose to:

- (a) Hold him for ransom or as a hostage; or
- (b) Avoid apprehension by a law enforcement official; or
- (c) Terrorize him or some other person; or
- (d) Commit an offense against him.

II. Kidnapping is a class A felony unless the actor voluntarily releases the victim without serious bodily injury and in a safe place prior to trial, in which case it is a class B felony.

633: 2 Criminal Restraint.

I. A person is guilty of a class B felony if he knowingly confines another unlawfully in circumstances exposing him to risk of serious bodily injury.

II. The meaning of "confines another unlawfully", as used in this and the following section, includes but is not limited to confinement accomplished by force, threat or deception or, in the case of a person who is under the age of sixteen or incompetent, if it is accomplished without the consent of his parent or guardian.

633: 3 False Imprisonment. A person is guilty of a misdemeanor if he knowingly confines another unlawfully, as defined in RSA 633: 2, so as to interfere substantially with his physical movement.

CHAPTER 634

DESTRUCTION OF PROPERTY

634: 1 Arson.

I. A person is guilty of arson if he knowingly starts a fire or causes an explosion which unlawfully damages the property of another.

II. Arson is a class A felony if the property damaged is an occupied structure and the actor knew it was an occupied structure.

III. Arson is a class B felony if

(a) the property is either that of another or the actor's property, and the fire was started or the explosion caused for the purpose of collecting insurance on such property; or

(b) the actor purposely starts a fire or causes an explosion on anyone's property and thereby recklessly places another in danger of death or

serious bodily injury, or places an occupied structure of another in danger of damage; or

(c) the pecuniary loss caused is in excess of one thousand dollars.

IV. All other arson is a misdemeanor.

V. As used in this section, "occupied structure" has the same meaning as in RSA 635:1, III; "property" has the same meaning as in RSA 637:2, I; "property of another" has the same meaning as in RSA 637:2, IV.

634:2 Criminal Mischief.

I. A person is guilty of criminal mischief when, having no right to do so nor any reasonable basis to believe that he has such a right, he purposely or recklessly damages property of another.

II. Criminal mischief is a class B felony if the actor purposely causes or attempts to cause

(a) pecuniary loss in excess of one thousand dollars; or

(b) a substantial interruption or impairment of public communication, transportation, supply of water, gas or power or other public service.

III. All other criminal mischief is a misdemeanor.

IV. As used in this section, "property" has the same meaning as in RSA 637:2, I; "property of another" has the same meaning as in RSA 637:2, IV.

634:3 Unauthorized Use of Propelled Vehicle or Animal.

I. A person is guilty of a misdemeanor if, knowing that he does not have the consent of the owner, he takes, operates, exercises control over, or otherwise uses a propelled vehicle or animal. A person who engages in any such conduct without the consent of the owner is presumed to know that he does not have such consent.

II. As used in this section, "propelled vehicle" has the same meaning as in RSA 637:9, II.

CHAPTER 635

UNAUTHORIZED ENTRIES

635:1 Burglary.

I. A person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied section thereof, with purpose to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter. It is an affirmative defense to prosecution for burglary that the building or structure was abandoned.

II. Burglary is a class B felony unless it is perpetrated in the dwelling of another at night, or if, in the commission of the offense, attempt at commission or in flight immediately after attempt or commission, the actor is armed with a deadly weapon or explosives or he purposely, knowingly or recklessly inflicts bodily injury on anyone; in which case it is a class A felony.

III. "Occupied structure" shall mean any structure, vehicle, boat or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present. "Night" shall mean the period between thirty minutes past sunset and thirty minutes before sunrise.

IV. A person may not be convicted both for burglary and for the offense which it was his purpose to commit after the burglarious entry or for an

attempt to commit that offense, unless the additional offense constitutes a class A felony.

V. A person is guilty of a misdemeanor if he makes or mends, or begins to make or mend, or knowingly has in his possession, an engine, machine, tool, or implement adapted and designed for cutting through, forcing or breaking open a building, room, vault, safe, or other depository, in order to steal therefrom money or other property, or to commit any other crime, knowing the same to be adapted and designed for the purpose aforesaid, with intent to use or employ or allow the same to be used or employed for such purpose.

635:2 Criminal Trespass.

I. A person is guilty of criminal trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place.

II. Criminal trespass is a misdemeanor if

(a) the trespass takes place in an occupied structure as defined in RSA 635: 1, III; or

(b) the person knowingly enters or remains

(1) in any secured premises; or

(2) in any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person.

III. All other criminal trespass is a violation.

IV. As used in this section, "secured premises" means any place which is posted in a manner prescribed by law or in a manner reasonably likely to come to the attention of intruders, or which is fenced or otherwise enclosed in a manner designed to exclude intruders.

635:3 Trespassing Stock. If any person having the charge or custody of any sheep, goats, cattle, horses, or swine shall knowingly, recklessly, or negligently suffer or permit the same to enter upon, pass over, or remain upon any improved or enclosed land of another without written permission of the owner, occupant, or his agent, and thereby injures his crops, or property, he shall be guilty of a violation.

CHAPTER 636

ROBBERY

636:1 Robbery.

I. A person commits the offense of robbery if, in the course of committing a theft, he

(a) uses physical force on the person of another and such person is aware of such force; or

(b) threatens another with or purposely puts him in fear of immediate use of physical force.

II. An act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft, in an effort to retain the stolen property immediately after its taking, or in immediate flight after the attempt or commission.

III. Robbery is a class B felony, except that if the defendant

(a) was actually armed with a deadly weapon; or

(b) reasonably appeared to the victim to be armed with a deadly weapon;

(c) inflicted or attempted to inflict death or serious injury on the person of another, the offense is a class A felony.

CHAPTER 637

THEFT

637:1 Consolidation. Conduct denominated theft in this chapter constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or information.

637:2 Definitions. The following definitions are applicable to this chapter:

I. "Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor, services, or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.

II. "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph or other reproduction.

III. "Purpose to deprive" means to have the conscious object:

(a) To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or

(b) To restore the property only upon payment of a reward or other compensation; or

(c) To dispose of the property under circumstances that make it unlikely that the owner will recover it.

IV. "Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

V. "Value" means the highest amount determined by any reasonable standard of property or services:

(a) Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

637:3 Theft by Unauthorized Taking or Transfer.

I. A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.

II. As used in this section and RSA 637:4 and 5; "obtain or exercise unauthorized control" includes but is not necessarily limited to conduct

heretofore defined or known as common law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.

637: 4 Theft by Deception.

I. A person commits theft if he obtains or exercises control over property of another by deception and with a purpose to deprive him thereof.

II. For the purposes of this section, deception occurs when a person purposely:

(a) Creates or reinforces an impression which is false and which that person does not believe to be true, including false impressions as to law, value, knowledge, opinion, intention or other state of mind. Provided, however, that an intention not to perform a promise, or knowledge that it will not be performed, shall not be inferred from the fact alone that the promise was not performed; or

(b) Fails to correct a false impression which he previously had created or reinforced and which he did not believe to be true, or which he knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or

(c) Prevents another from acquiring information which is pertinent to the disposition of the property involved; or

(d) Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid, or is or is not a matter of official record.

III. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares in communications addressed to the public or to a class or group.

637: 5 Theft by Extortion.

I. A person is guilty of theft as he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.

II. As used in this section, extortion occurs when a person threatens to:

(a) Cause physical harm in the future to the person threatened or to any other person or to property at any time; or

(b) Subject the person threatened or any other person to physical confinement or restraint; or

(c) Engage in other conduct constituting a crime; or

(d) Accuse any person of a crime or expose him to hatred, contempt or ridicule; or

(e) Reveal any information sought to be concealed by the person threatened; or

(f) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(g) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or

(h) Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(i) Do any other act which would not in itself substantially benefit him but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

637: 6 Theft of Lost or Mislaid Property.

A person commits theft when

I. he obtains property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return the same to the owner, and

II. he has the purpose to deprive the owner of such property when he obtains the property or at any time prior to taking the measures designated in paragraph I.

637: 7 Receiving Stolen Property.

I. A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it has probably been stolen, with a purpose to deprive the owner thereof.

II. The knowledge or belief required for paragraph I is presumed in the case of a dealer who

(a) is found in possession or control of property stolen from two or more persons on separate occasions; or

(b) has received other stolen property within the year preceding the receiving charged; or

(c) being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value.

III. As used in this section, "receives" means acquiring possession, control or title or lending on the security of the property; and "dealer" means a person in the business of buying or selling goods.

637: 8 Theft of Services.

I. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor. "Deception" has the same meaning as in RSA 637: 4, II, and "threat" the same meaning as in RSA 637: 5, II.

II. A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.

III. As used in this section, "services" includes, but is not necessarily limited to, labor, professional service, public utility and transportation services, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles, or trailers for temporary use, telephone or telegraph service, gas, electricity, water or steam, admission to entertainment, exhibitions, sporting events or other events for which a charge is made.

637: 9 Unauthorized Use of a Propelled Vehicle or Rented Property.

I. A person is guilty of theft if

(a) having custody of a propelled vehicle pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or

(b) having custody of a propelled vehicle pursuant to a rental or lease agreement with the owner thereof whereby such vehicle is to be returned to the owner at a specified time and place, he intentionally fails to comply with the agreed terms concerning return of such vehicle, without the consent of the owner, for so lengthy a period beyond the specified time for return as to render his retention or possession or other failure to return a gross deviation from the agreement; or

(c) having custody of any property pursuant to a rental or lease agreement whereby such property is to be returned in a specified manner, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

II. Theft under this section is a misdemeanor regardless of the value of the propelled vehicle.

III. As used in this section, "propelled vehicle" means any automobile, airplane, motorcycle, motorboat or any other motor-propelled vehicle or vessel, or any boat or vessel propelled by sail, oar or paddle.

637:10 Theft by Misapplication of Property.

I. A person commits theft if he obtains property from anyone or personal services from an employee upon agreement, or subject to a known legal obligation, to make a specified payment or other disposition to a third person, whether from that property or its proceeds or from his own property to be reserved in an equivalent or agreed amount, if he purposely or recklessly fails to make the required payment or disposition and deals with the property obtained or withheld as his own.

II. Liability under paragraph I is not affected by the fact that it may be impossible to identify particular property as belonging to the victim at the time of the failure to make the required payment or disposition.

III. An officer or employee of the government or of a financial institution is presumed

(a) to know of any legal obligation relevant to his liability under this section, and

(b) to have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of his accounts.

IV. As used in this section

(a) "financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

(b) "government" means the United States, any state or any county, municipality or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government or formed pursuant to interstate compact or international treaty.

637:11 Penalties. Except as provided in RSA 637:9, II.

I. Theft constitutes a class A felony if

(a) the value of the property or services exceeds one thousand dollars,
or

(b) the property stolen is a firearm, or

(c) the actor is armed with a deadly weapon at the time of the theft.

II. Theft constitutes a class B felony if

(a) the value of the property or services is more than one hundred dollars but not more than one thousand dollars, or

(b) the actor has been twice before convicted of theft of property or services valued at one hundred dollars or less, or

(c) the theft constitutes a violation of RSA 637:5, II(a) or (b).

III. Theft constitutes a misdemeanor if the value of the property or services does not exceed one hundred dollars.

CHAPTER 638

FRAUD

638:1 Forgery.

I. A person is guilty of forgery if, with purpose to defraud anyone, or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he:

(a) Alters any writing of another without his authority or utters any such altered writing; or

(b) Makes, completes, executes, authenticates, issues, transfers, publishes or otherwise utters any writing so that it purports to be the act of another, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed.

II. As used in this section, "writing" includes printing or any other method of recording information, checks, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

III. Forgery is a class B felony if the writing is or purports to be

(a) a security, revenue stamp, or any other instrument issued by a government, or any agency thereof; or

(b) a check, an issue of stocks, bonds, or any other instrument representing an interest in or a claim against property, or a pecuniary interest in or claim against any person or enterprise.

IV. All other forgery is a misdemeanor.

V. A person is guilty of a misdemeanor if he knowingly possesses any writing that is a forgery under this section or any device for making any such writing. It is an affirmative defense to prosecution under this paragraph that the possession was without an intent to defraud.

638:2 Fraudulent Handling of Recordable Writings. A person is guilty of a class B felony if, with a purpose to deceive or injure anyone, he falsifies, destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording.

638:3 Tampering with Public or Private Records. A person is guilty of a misdemeanor if, knowing he has no privilege to do so, he falsifies, destroys, removes or conceals any writing or record, public or private, with a purpose to deceive or injure anyone or to conceal any wrongdoing.

638:4 Issuing Bad Checks.

I. A person is guilty of issuing a bad check if he issues or passes a check for the payment of money knowing or believing that it will not be paid by the drawee and payment is refused by the drawee.

II. For the purposes of this section, as well as in any prosecution for theft committed by means of a bad check, a person who issues a check for which payment is refused by the drawee is presumed to know that such

check would not be paid if he had no account with the drawee at the time of issue.

III. It is an affirmative defense that the actor paid the amount of the check, together with all costs and protest fees, to the person to whom it was due, within ten days after having received notice that payment was refused.

IV. Issuing a bad check is a class B felony if the face amount of the check exceeds one hundred dollars. Any other violation of this section is a misdemeanor.

638:5 Fraudulent Use of Credit Card.

I. A person is guilty of fraudulent use of a credit card if he uses a credit card for the purpose of obtaining property or services with knowledge that:

(a) The card is stolen; or

(b) The card has been revoked or cancelled; or

(c) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card is issued.

II. "Credit card" means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

III. Fraudulent use of a credit card is a class B felony if property or services are obtained which exceed the value of one hundred dollars. Any other violation of this section is a misdemeanor. The value may be determined according to the provisions of RSA 637:2, V, (a).

638:6 Deceptive Business Practices.

I. A person is guilty of a misdemeanor if, in the course of business, he:

(a) Uses or possesses for use, a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(b) Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service; or

(c) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or

(d) Sells, offers or exposes for sale adulterated or mislabeled commodities. "Adulterated" means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage; or

(e) Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services.

II. It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.

638:7 Commercial Bribery.

I. A person is guilty of a misdemeanor when, without the consent of the employer or principal, contrary to the best interests of the employer or principal:

(a) He confers, offers, or agrees to confer upon the employee, agent or fiduciary of such employer or principal, any benefit with the purpose

of influencing the conduct of the employee, agent or fiduciary in relation to his employer's or principal's affairs; or

(b) He, as an employee, agent or fiduciary of such employer or principal, solicits, accepts or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs: provided that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent or fiduciary.

II. A person is guilty of violation of this section if he holds himself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of goods or services and he solicits, accepts, or agrees to accept any benefit to influence his selection, appraisal or criticism.

638:8 Sports Bribery. A person is guilty of a class B felony if

I. with a purpose to influence any participant or prospective participant not to give his best efforts in a publicly exhibited contest, he confers or offers or agrees to confer any benefit upon or threatens any injury to such participant or prospective participant; or

II. with a purpose to influence an official in a publicly exhibited contest to perform his duties improperly, he confers or offers or agrees to confer any benefit upon or threatens any injury to such official; or

III. with a purpose to influence the outcome of a publicly exhibited contest, he tampers with any person, animal or thing contrary to the rules and usages purporting to govern such a contest; or

IV. he knowingly solicits, accepts or agrees to accept any benefit, the giving of which would be criminal under paragraph I or II.

638:9 Fraud on Creditors. A person is guilty of a misdemeanor if

I. he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or

II. knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors, he

(a) destroys, removes, conceals, encumbers, transfers or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or

(b) presents to any creditor or to an assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.

638:10 Frauds on Depositors. A person is guilty of a misdemeanor if

I. as an officer, manager, or other person participating in the direction of a financial institution, as defined in RSA 637:10, IV(a), he receives or permits receipt of a deposit or other investment knowing that the institution is or is about to become unable, from any cause, to pay its obligations in the ordinary course of business; and

II. he knows that the person making the payment to the institution is unaware of such present or prospective inability.

638:11 Misapplication of Property.

I. A person is guilty of a misdemeanor if he deals with property that

has been entrusted to him as a fiduciary, or property of the government or of a financial institution, in a manner which he knows is a violation of his duty and which involves substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

II. As used in this section, "fiduciary" includes any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary. "Government" and "financial institution" have the meanings given in RSA 637:10, IV. "Property" has the meaning given in RSA 637:2, I.

638:12 Fraudulent Execution of Documents. A person is guilty of a misdemeanor if, by deception or threat, he causes another to sign or execute any instrument which affects or is likely to affect the pecuniary interest of any person.

638:13 Use and Possession of Slugs.

I. A person is guilty of a misdemeanor if,

(a) with a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he inserts, deposits or uses a slug in that machine; or

(b) he makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.

II. As used in this section, "coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose; and in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service. "Slug" means any object which, by virtue of its size, shape or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill or token.

638:14 Unlawful Simulation of Official Notice. A person is guilty of a misdemeanor who, with a purpose to procure the compliance of another with a request made by such person, knowingly sends, mails or delivers to such person a notice or other writing which has no judicial or other sanction, but which in its format or appearance, simulates a summons, complaint, court order or process, or an insignia, seal or printed form of a federal, state or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

CHAPTER 639

OFFENSES AGAINST THE FAMILY

639:1 Bigamy. A person is guilty of a class B felony if, having a spouse and knowing that he is not legally eligible to marry, he marries another.

639:2 Incest. A person is guilty of a class B felony if he marries or has sexual intercourse, or lives together with, under the representation of being married, a person whom he knows to be his ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of eighteen shall be liable under this section if the other party is at least three years older at the time of the act. The relationships referred to herein include

blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

639:3 Endangering Welfare of Child or Incompetent.

I. A person is guilty of a misdemeanor if he knowingly endangers the welfare of a child under eighteen or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.

II. In the prosecution of any person under this section, the tattooing by any person of a child under the age of eighteen constitutes endangering the welfare of such child.

III. A person who pursuant to the tenets of a recognized religion fails to conform to an otherwise existing duty of care or protection is not guilty of an offense under this section.

639:4 Non-Support. A person is guilty of a misdemeanor if he knowingly fails to provide support which he knows he is legally obliged to provide and which he can provide to a spouse, child or other dependant.

639:5 Concealing Death of a Newborn. A person is guilty of a class B felony if he knowingly conceals the corpse of a newborn child.

CHAPTER 640

CORRUPT PRACTICES

640:1 Scope of Chapter. Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made, and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

640:2 Bribery in Official and Political Matters.

I. A person is guilty of a class B felony if

(a) he promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or

(b) being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts or agrees to accept any pecuniary benefit from another knowing or believing the other's purpose to be as described in paragraph I(a), or fails to report to a law enforcement officer that he has been offered or promised a pecuniary benefit in violation of paragraph I(a).

II. As used in this section and other sections of this chapter, the following definitions apply:

(a) "Public servant" means any officer or employee of the state or any political subdivision thereof, including judges, legislators, consultants, jurors, and persons otherwise performing a governmental function. A person is considered a public servant upon his election, appointment or other designation as such, although he may not yet officially occupy that position. A person is a candidate for electoral office upon his public announcement of his candidacy.

(b) "Party official" means any person holding any post in a political party whether by election, appointment or otherwise.

(c) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

640:3 Improper Influence.

I. A person is guilty of a class B felony if he

(a) threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; or

(b) privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the purpose of influencing that discretion on the basis of considerations other than those authorized by law; or

(c) being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him in violation of paragraphs (a) or (b) hereof.

II. "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

640:4 Compensation for Past Action. A person is guilty of a misdemeanor if

I. being a public servant, he solicits, accepts or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised his discretion, or for having violated his duty; or

II. he promises, offers or gives any pecuniary benefit, acceptance of which would be a violation of paragraph I.

640:5 Gifts to Public Servants. A person is guilty of a misdemeanor if

I. being a public servant he solicits, accepts or agrees to accept any pecuniary benefit from a person who is or is likely to become subject to or interested in any matter or action pending before or contemplated by himself or the governmental body with which he is affiliated; or

II. he knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph I.

640:6 Compensation for Services. A person is guilty of a misdemeanor if

I. being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise; or

II. he gives, offers or promises any pecuniary benefit, knowing that it is prohibited by paragraph I.

640:7 Purchase of Public Office. A person is guilty of a misdemeanor if

I. he solicits, accepts or agrees to accept, for himself, another person, or a political party, money or any other pecuniary benefit as compensation

for his endorsement, nomination, appointment, approval or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

II. he knowingly gives, offers or promises any pecuniary benefit prohibited by paragraph I.

CHAPTER 641

FALSIFICATION IN OFFICIAL MATTERS

641:1 Perjury.

I. A person is guilty of a class B felony if in any official proceeding

(a) he makes a false material statement under oath or affirmation, or swears or affirms the truth of a material statement previously made, and he does not believe the statement to be true; or

(b) he makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

II. "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation including a notary or other person taking evidence in connection with any such proceeding. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

641:2 False Swearing. A person is guilty of a misdemeanor if

I. he makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and he does not believe the statement to be true if

(a) the falsification occurs in an official proceeding, as defined in RSA 641:1, II, or is made with a purpose to mislead a public servant in performing his official function; or

(b) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

II. he makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

III. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

641:3 Unsworn Falsification. A person is guilty of a misdemeanor if

I. he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

II. with a purpose to deceive a public servant in the performance of his official function, he

(a) makes any written false statement which he does not believe to be true; or

(b) knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(c) submits or invites reliance on any writing which he knows to be lacking in authenticity; or

(d) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

III. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

641: 4 False Reports to Law Enforcement. A person is guilty of a misdemeanor if he

I. knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

II. knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

641: 5 Tampering with Witnesses and Informants. A person is guilty of a class B felony if

I. believing that an official proceeding, as defined in RSA 641: 1, II, or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to

(a) testify or inform falsely; or

(b) withhold any testimony, information, document or thing; or

(c) elude legal process summoning him to provide evidence; or

(d) absent himself from any proceeding or investigation to which he has been summoned; or

II. he commits any unlawful act in retaliation for anything done by another in his capacity as witness or informant; or

III. he solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in paragraph I.

641: 6 Falsifying Physical Evidence. A person commits a class B felony if, believing that an official proceeding, as defined in RSA 641: 1, II, or investigation is pending or about to be instituted, he

I. alters, destroys, conceals or removes any thing with a purpose to impair its verity or availability in such proceeding or investigation; or

II. makes, presents or uses any thing which he knows to be false with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation.

641: 7 Tampering with Public Records or Information. A person is guilty of a misdemeanor if he

I. knowingly makes a false entry in or false alteration of any thing belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government; or

II. presents or uses any thing knowing it to be false, and with a purpose that it be taken as a genuine part of information or records referred to in paragraph I; or

III. purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such thing.

CHAPTER 642

OBSTRUCTING GOVERNMENTAL OPERATIONS

642:1 Obstructing Government Administration. A person is guilty of a misdemeanor if he uses force, violence, intimidation or engages in any other unlawful act with a purpose to interfere with a public servant, as defined in RSA 640: 2, II, performing or purporting to perform an official function; provided, however, that flight by a person charged with an offense, refusal by anyone to submit to arrest or any such interference in connection with a labor dispute with the government shall be prosecuted under the statutes governing such matters and not under this section.

642:2 Resisting Arrest or Detention. A person is guilty of a misdemeanor when he purposely interferes with a person recognized to be a law enforcement official seeking to effect an arrest or detention of himself or another regardless of whether there is a legal basis for the arrest.

642:3 Hindering Apprehension or Prosecution.

I. A person is guilty of an offense if, with a purpose to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he

(a) harbors or conceals the other; or

(b) provides such person a weapon, transportation, disguise or other means for avoiding discovery or apprehension; or

(c) warns such person of impending discovery or apprehension; or

(d) conceals, destroys or alters any physical evidence that might aid in the discovery, apprehension or conviction of such person; or

(e) obstructs by force, intimidation or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

II. The offense is a misdemeanor unless the actor knows that the charge made or liable to be made against the other is murder or a class A felony, in which case it is a class B felony.

642:4 Aiding Criminal Activity. A person is guilty of a misdemeanor if he purposely aids another who has committed a crime in profiting or benefiting from the criminal activity, as by safeguarding the proceeds thereof or converting the proceeds into negotiable funds.

642:5 Compounding. A person is guilty of a misdemeanor if he

I. solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or

II. confers, offers, or agrees to confer any benefit upon another as consideration for such person refraining from initiating or aiding in a criminal prosecution.

III. It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused, or to be caused by the offense.

642:6 Escape.

I. A person is guilty of an offense if he escapes from official custody.

II. "Official custody" means arrest, custody in a penal institution, an institution for confinement of juvenile offenders or other confinement pursuant to an order of a court.

III. The offense is a class B felony if the actor employs force, threat or a deadly weapon to effect the escape. Otherwise it is a misdemeanor.

642:7 Implements for Escape and Other Contraband. A person is guilty of a class B felony if

I. he knowingly provides a person in official custody, as defined in RSA 642: 6, II, with anything which may facilitate such person's escape or the possession of which by such person is contrary to law or regulation, or in any other manner facilitates such person's escape; or

II. being a person in official custody, as defined in RSA 642: 6, II, he knowingly procures, makes or possesses anything which may facilitate escape.

642:8 Bail Jumping.

I. A person is guilty of an offense if, having been released with or without bail upon condition that he appear at a specified time and place in connection with a criminal action, without just cause, he fails so to appear.

II. The offense is a class B felony if the offense involved in the specified appearance is murder or a class A felony. Otherwise, it is a misdemeanor.

CHAPTER 643

ABUSE OF OFFICE

643:1 Official Oppression. A public servant, as defined in RSA 640: 2, II, is guilty of a misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

643:2 Misuse of Information. A public servant, as defined in RSA 640: 2, II, is guilty of a misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant, he

I. acquires or divests himself of a pecuniary interest in any property, transaction or enterprise which may be affected by such action or information; or

II. speculates or wagers on the basis of such action or information; or

III. knowingly aids another to do any of the foregoing.

CHAPTER 644

BREACHES OF THE PEACE AND RELATED OFFENSES

644:1 Riot.

I. A person is guilty of riot if

(a) simultaneously with two or more other persons, he engages in tumultuous or violent conduct and thereby purposely or recklessly creates a substantial risk of causing public alarm; or

(b) he assembles with two or more other persons with the purpose of engaging soon thereafter in tumultuous or violent conduct, believing that two or more other persons in the assembly have the same purpose; or

(c) he assembles with two or more other persons with the purpose of committing an offense against the person or property of another whom he supposes to be guilty of a violation of the law, believing that two or more other persons in the assembly have the same purpose.

II. Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during, or immediately following a violation of paragraph I is guilty of riot. It is no defense to liability under

this paragraph that withdrawal must take place over private property; provided, however, that no person so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

III. Upon the request of a police officer, any person present during a violation of paragraph I or II shall render assistance, other than the use of force, in the suppression of such violations. Any person refusing to render such assistance is guilty of a misdemeanor.

IV. Riot is a class B felony if, in the course of and as a result of the conduct, any person suffers physical injury, or substantial property damage or arson occurs, or the defendant was armed with a deadly weapon. Otherwise, it is a misdemeanor.

644: 2 Disorderly Conduct. A person is guilty of disorderly conduct if

I. he refuses to comply with a lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition by any act which serves no legitimate purpose; or

II. with a purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof

(a) he engages in fighting or in violent, tumultuous or threatening behavior; or

(b) he makes unreasonable noises in a public place; or

(c) he makes unreasonable noises in a private place, which can be heard in a public place; or

(d) in a public place, he engages in a course of abusive or obscene language or makes obscene gestures; or

(e) he obstructs vehicular or pedestrian traffic.

III. As used in this section, "public" means likely to affect persons in a place to which the public or a substantial group has access, including but not limited to schools, government-owned facilities, and the lobbies or hallways of apartment houses.

IV. Disorderly conduct is a misdemeanor if the offense continues after a request by any person to desist. Otherwise it is a violation.

644: 3 False Public Alarms. A person is guilty of a misdemeanor if he knowingly communicates or causes to be communicated to a fire department or other government agency that deals with emergencies involving danger to life or property a false report concerning a fire, explosion or other catastrophe or emergency knowing such report to be false.

644: 4 Harrassment. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the telephone call originated or was received, if, with a purpose to annoy or alarm another, he

I. makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or

II. makes repeated communications at extremely inconvenient hours or in offensively coarse language; or

III. insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

644: 5 Intoxication. A person is guilty of a violation if he is under the influence of intoxicating liquor, narcotics or drugs, or any substance having the property of releasing toxic vapors, in a public place or in a private place where he unreasonably disturbs other persons therein.

644: 5-a Inhaling Toxic Vapors for Effect.

A person is guilty of a violation if he purposely smells or inhales the fumes of any substance having the property of releasing toxic vapors, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, or possesses, buys or sells any such substance for the purpose of violating or aiding another to violate this section. This section does not apply to the inhalation of anesthesia for medical or dental purposes. Any court finding that a minor is guilty of a second offense under this section may order the minor to the nearest mental hygiene clinic for examination prior to sentencing. The clinic shall report any finding it makes to the court. The court may order commitment to a public institution, including the New Hampshire hospital for care and treatment as the findings warrant. The court may thereafter modify the order as justice requires.

644: 6 Loitering.

I. A person is guilty of a violation if he appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and, upon inquiry by a law enforcement official, refuses to identify himself or fails to give a reasonably credible account of his conduct and purposes.

II. No person shall be convicted under this section if the explanation he gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm. In such cases, any record of the arrest or detention made under the authority of paragraph I shall be expunged.

644: 7 Abuse of Corpse. A person is guilty of a misdemeanor if he unlawfully removes, conceals or destroys a corpse or any part thereof.

644: 8 Cruelty to Animals. A person is guilty of a misdemeanor if, without lawful authority, he purposely or recklessly mistreats any animal or grossly neglects an animal in his custody.

644: 9 Violation of Privacy.

I. A person is guilty of a misdemeanor if he unlawfully and without the consent of the person entitled to privacy therein, installs or uses

(a) in any private place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in such place; or

(b) outside a private place, any device for hearing, recording, amplifying or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside.

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance but does not include a place to which the public or a substantial group thereof has access.

644: 10 Violation of Privacy of Messages.

I. A person is guilty of a misdemeanor if, without the consent of the sender or receiver, he unlawfully

(a) intercepts a message by telephone, telegraph, letter or other means of communicating privately; or

(b) divulges the existence or contents of any such message either knowing that it was illegally intercepted or having learned of the message in the course of employment with an agency engaged in transmitting it.

II. The provisions of RSA 644: 9 and RSA 644: 10, I shall not apply to overhearing, disclosure or use of a telephone message by:

(a) An officer, employee, or agent of a telephone company in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of a telephone company, or

(b) A subscriber to telephone service through use of any telephone instrument, equipment or facility furnished to the subscriber by a telephone company in the ordinary course of its business and being used by the subscriber in accordance with applicable provisions of telephone company rules and regulations, as approved by the public utilities commission.

644: 11 Criminal Defamation.

I. A person is guilty of a misdemeanor if he purposely communicates to any person, orally or in writing, any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt or ridicule.

II. As used in this section "public" includes any professional or social group of which the victim of the defamation is a member.

644: 12 Emergency Calls. A person is guilty of a misdemeanor if he purposely refuses to yield the use of a telephone party line upon being informed that it is needed for any call to summon fire, police or medical assistance; to invoke or operate the civil defense system; or otherwise to deal with an immediate threat to life or health.

644: 13 Unauthorized Use of Firearms and Firecrackers. A person is guilty of a violation if, within the compact part of a town he fires or discharges any cannon, gun, pistol, or other firearm; or fires or discharges any rockets, squids, or firecrackers except by written permission of the chief of police or selectman.

644: 14 Selling Air Rifles to Young Persons. If any person shall sell, barter, rent, lend, or give an air rifle to a person under the age of eighteen, without the written consent of the parent or guardian, as the case may be, he shall be guilty of a violation. Air rifles may be used in New Hampshire only in the home of the person under eighteen under parental supervision or on an approved range under responsible adult supervision. Air rifles may be possessed by a person under eighteen only in his own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship.

644: 15 Furnishing Arms to Persons Under Sixteen. Any person who shall sell, barter, hire, lend or give to any person under the age of sixteen years any cartridges or shotshells suitable for discharging in any rifle, pistol, revolver or shotgun shall be guilty of a violation. This section shall not apply to fathers, mothers or guardians of such children.

644: 16 Exposing Poisons. If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.

644: 17 Concealment of Merchandise. Whoever, without authority, wilfully conceals the goods or merchandise of any store, while still upon

the premises of such store, shall be guilty of a misdemeanor. Goods or merchandise found concealed upon the person shall be prima facie evidence of wilful concealment.

CHAPTER 645

PUBLIC INDECENCY

645:1 Indecent Exposure and Lewdness. A person is guilty of a misdemeanor if he fornicates, exposes his genitals or performs any other act of gross lewdness under circumstances which he should know will likely cause affront or alarm.

645:2 Prostitution and Related Offenses.

I. A person is guilty of a misdemeanor if he

(a) solicits or engages in sexual intercourse as defined in RSA 632: 1, II, or deviate sexual relations as defined in RSA 632: 2, IV, in return for consideration; or

(b) induces or otherwise purposely causes another to violate paragraph (a); provided, however, that if such other is under the age of eighteen or is compelled by force or intimidation, the offense is a class B felony; or

(c) transports another into or within this state with the purpose of promoting or facilitating such other in engaging in conduct in violation of paragraph (a); or

(d) not being a legal dependent incapable of self-support, knowingly is supported in whole or in part by the proceeds of violation of paragraph (a); or

(e) knowingly permits a place under his control to be used for violation of paragraph (a).

II. A person is guilty under this section regardless of the sex of the persons involved.

645:3 Adultery. A person is guilty of a misdemeanor if, being a married person, he engages in sexual intercourse with another not his spouse or, being unmarried, engages in sexual intercourse with another known by him to be married.

CHAPTER 646

OFFENSES AGAINST THE FLAG

646:1 Misuse of Flag. A person is guilty of a misdemeanor if he I. purposely places any unauthorized inscription or other thing upon any flag of the United States or of any state of the United States; or

II. knowingly exhibits any such flag knowing the inscription or other thing to be unauthorized; or

III. for purposes of advertising a product or service for sale or free distribution, affixes a representation of the flag of the United States or of a state of the United States to such product or on any display whereon such product or service is advertised; or

IV. purposely or knowingly mutilates or defiles any such flag; or

V. having been presented with a flag in behalf of this state and using such flag in violation of this section, refuses to comply with a request by the governor that such flag be returned.

646:2 Wrongful Display of Flag. A person is guilty of a misdemeanor if:

I. knowing that he is not authorized by an appropriate federal, state, county or municipal official he displays the flag of any foreign country upon any state, county, or municipal building; or

II. he displays the flag of the United Nations on the property of the state, a county, a municipality or any institution of learning in any manner other than along with and subordinated to the flag of the United States.

CHAPTER 647

GAMBLING OFFENSES

647:1 Lotteries. A person is guilty of a misdemeanor if he knowingly and unlawfully

I. conducts a lottery or disposes or offers to dispose of property in any way whereby the payment for such property is, in whole or in part, induced by the hope of gain by luck or chance; or

II. sells, offers for sale, or possesses for the purpose of sale, any lottery ticket or other thing which is evidence that the purchaser will be entitled to a share or chance in a lottery or deposits for mailing any such ticket or thing, or notice of the drawing of a lottery; or

III. publishes or deposits for mailing information as to the location or identity of the person where or from whom a ticket or other thing described in paragraph II may be obtained.

IV. "Unlawfully" means not specifically authorized by law.

647:2 Gambling. A person is guilty of a misdemeanor if he knowingly and unlawfully

I. permits gambling in any place under his control; or

II. gambles, or loans money or any thing of value for the purpose of aiding another to gamble; or

III. has in his possession a gambling machine.

IV. For purposes of this section "unlawfully" means not specifically authorized by law or not solely for amusement, without stake or possibility of gain or loss. "Gambling machine" means any device or equipment which is capable of being used to discharge money or anything that may be exchanged for money, or to display any symbol entitling a person to receive money. "Gambling" means to risk something of value upon a future contingent event not under his control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome.

V. All implements, equipment, and apparatus used in violation of this section shall be forfeited.

CHAPTER 648

SUBVERSIVE ACTIVITIES

648:1 Definitions. As used in this chapter:

I. "Organization" means an organization, corporation, company, partnership, association, trust, foundation, fund, club, society, committee, political party, or any group of persons, whether or not incorporated, permanently or temporarily associated together for joint action or advancement of views on any subject or subjects.

II. "Subversive organization" means any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage

in or advocate, abet, advise, or teach activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or of any political subdivision of either of them by force, or violence.

III. "Foreign subversive organization" means any organization directed, dominated or controlled directly or indirectly by a foreign government which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or to advocate, abet, advise, or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of government of, the United States or of the state of New Hampshire, or of any political subdivision of either of them, and to establish in place thereof any form of government the direction and control of which is to be vested in, or exercised by or under the domination or control of any foreign government, organization, or individual; but does not and shall not be construed to mean an organization the *bona fide* purpose of which is to promote world peace by alliances or unions with other governments or world federations, unions or governments to be effected through constitutional means.

IV. "Foreign government" means the government of any country or nation other than the government of the United States of America or of one of the states thereof.

V. "Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches, by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or any political subdivision of either of them, by force, or violence; or who is a member of a subversive organization or a foreign subversive organization.

648:2 Felonies. It shall be unlawful for any person knowingly and wilfully to

I. commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or any political subdivision of either of them, by force or violence; or

II. advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or assist in the commission of any such act under such circumstances as to constitute a clear and present danger to the security of the United States, or of the state of New Hampshire or of any political subdivision of either of them; or

III. conspire with one or more persons to commit any such act; or

IV. assist in the formation or participate in the management or to contribute to the support of any subversive organization or foreign subversive organization knowing said organization to be a subversive organization or a foreign subversive organization; or

V. destroy any books, records or files, or secrete any funds in this state of a subversive organization or a foreign subversive organization, knowing said organization to be such.

Any person who shall be convicted of violating any of the provisions of this section shall be guilty of a class A felony.

648:3 Subversive Organization. It shall be unlawful for any person after August 1, 1951 to become, or after November 1, 1951 to remain a member of a subversive organization or a foreign subversive organization knowing said organization to be a subversive organization or foreign subversive organization. Any person who shall be convicted of violating this section shall be guilty of a class B felony.

648:4 Evidence of Membership or Participation. In determining membership or participation in a subversive organization or a foreign subversive organization as defined in this chapter, or knowledge of the purpose or objective of such organization, the jury, under instructions from the court, may consider evidence, if presented, as to whether the accused person to his knowledge:

I. Has been listed as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

II. Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

III. Has made himself subject to the discipline of the organization in any form whatsoever;

IV. Has executed orders, plans, or directives of any kind of the organization;

V. Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

VI. Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

VII. Has been accepted as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

VIII. Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plan of the organization;

IX. Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

X. Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

XI. Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

XII. Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

XIII. Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

XIV. The enumeration of the above subjects of evidence on membership or participation in a subversive organization or a foreign subversive organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated.

648:5 Construction of Provision. Nothing in RSA 648:4 shall be construed to limit the supervisory power of the court over the admission and exclusion of evidence or over the sufficiency of the evidence as a whole.

648:6 Barred from Office. Any person who shall be convicted of violating any of the provisions of RSA 648: 2 and 3, in addition to all other penalties therein provided, shall from the date of such conviction be barred from

I. holding any office, elective or appointive, or any other position of profit or trust in or employment by the government of the state of New Hampshire or of any agency thereof or of any county, municipal corporation or other political subdivision of said state;

II. filing or standing for election to any public office in the state of New Hampshire.

648:7 Dissolution of Organizations. It shall be unlawful for any subversive organization or foreign subversive organization to exist or function in the state of New Hampshire and any organization which by a court of competent jurisdiction is found to have violated the provisions of this section shall be dissolved, and if it be a corporation organized and existing under the laws of the state of New Hampshire, a finding by a court of competent jurisdiction that it has violated the provisions of this section shall constitute legal cause for forfeiture of its charter and its charter shall be forfeited, and all funds, books, records and files of every kind and all other property of any organization found to have violated the provisions of this section shall be seized by and for the state of New Hampshire, the funds to be deposited in the state treasury and the books, records, files and other property to be turned over to the attorney general of New Hampshire.

648:8 Assistance Furnished. For the collection of any evidence and information referred to in this chapter, the attorney general is hereby directed to call upon the superintendent of state police, and county and municipal police authorities of the state to furnish him such assistance as may from time to time be required. Such police authorities are directed to furnish information and assistance as may be from time to time so requested. The attorney general may testify before any grand jury as to matters referred to in this chapter as to which he may have information.

648:9 Records. The attorney general shall maintain complete records of all information received by him and all matters handled by him under the requirements of this chapter. Such records as may reflect on the loyalty of any resident of this state shall not be made public nor divulged to any person except with the permission of the attorney general to effectuate the purposes hereof.

648:10 Grand Jury Inquiries. The superior court, when in its discretion it appears appropriate, or when informed by the attorney general that there is information or evidence of the character described in RSA 648: 2 to be considered by the grand jury, shall charge the grand jury to inquire into violations of this chapter for the purpose of proper action.

648:11 Attorney General. At any time when the attorney general has information which he deems reasonable or reliable relating to violations of the provisions of this chapter he shall make full and complete investigation thereof and shall report to the general court the results of this investigation, together with his recommendations, if any, for legislation. In any investigation hereunder the attorney general or any duly authorized member of his staff is authorized to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers and documents and to administer such oaths, and to

take such testimony and to make such expenditures within the funds provided as he deems advisable. The provisions of RSA 648:7 shall be inapplicable to the investigation provided for herein and the attorney general is hereby authorized to make public such information received by him, testimony given before him, and matters handled by him as he deems fit to effectuate the purposes hereof.

648:12 Employment. No subversive person, as defined in this chapter, shall be eligible for employment in, or appointment to any office, or any position of trust or profit in the government of, or in the administration of the business of this state, or of any county, municipality, or other political subdivision of this state.

648:13 Written Statements Required. Every person and every board, commission, council, department, court or other agency of the state of New Hampshire or any political subdivision thereof, who or which appoints or employs or supervises in any manner the appointment or employment of public officials or employees shall establish by rules, regulations or otherwise, procedures designed to ascertain before any person, including teachers and other employees of any public educational institution in this state, is appointed or employed, that he or she as the case may be, is not a subversive person, and that there are no reasonable grounds to believe such persons are subversive persons. In the event such reasonable grounds exist, he or she as the case may be, shall not be appointed or employed. In securing any facts necessary to ascertain the information herein required, the applicant shall be required to sign a written statement containing answers to such inquiries as may be material, which statement shall contain notice that it is subject to the penalties of perjury.

648:14 Exceptions. The inquiries prescribed in RSA 648:13 other than the written statement to be executed by an applicant for employment, shall not be required as a prerequisite to the employment of any persons in the classification of laborers in any case in which the employing authority shall in his or its discretion determine, and by rule or regulation specify the reasons why, the nature of the work to be performed is such that employment of persons as to whom there may be reasonable grounds to believe that they are subversive persons as defined in this chapter will not be dangerous to the health of the citizens or the security of the government of the United States, the state of New Hampshire or any political subdivision thereof.

648:15 Present Employees. Every person, who on August 1, 1951 shall be in the employ of the state of New Hampshire or of any political subdivision thereof, other than those now holding elective office shall be required on or before October 1, 1951 to make a written statement which shall contain notice that it is subject to the penalties of perjury, that he or she is not a subversive person as defined in this chapter, namely, any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or any political subdivision of either of them, by force, or violence; or who is a member of a subversive organization or a foreign subversive organization, as more fully defined in this chapter. Such statement shall be prepared and execution required by every

person and every board, commission, council, department, court, or other agency of the state of New Hampshire or any political subdivision thereof responsible for the supervision of employees under its jurisdiction. Any such person failing or refusing to execute such a statement or who admits he is a subversive person as defined in this chapter shall immediately be discharged.

648:16 Discharge of Personnel; Hearing. Reasonable grounds on all the evidence to believe that any person is a subversive person, as defined in this chapter shall be cause for discharge from any appointive office or other position of profit or trust in the government of or in the administration of the business of this state, or of any county, municipality or other political subdivision of this state, or any agency thereof. The personnel commission shall, by appropriate rules or regulations, prescribe that persons charged with being subversive persons, as defined in this chapter, shall be accorded notice and opportunity to be heard, in accordance with the procedures prescribed by law for discharges for other reasons. Every person and every board, commission, council, department, or other agency of the state of New Hampshire or any political subdivision thereof having responsibility for the appointment, employment or supervision of public employees not covered by the state classified service shall establish rules or procedures similar to those required herein for classified services for a hearing for any person charged with being a subversive person, as defined in this chapter after notice and opportunity to be heard. Every employing authority discharging any person pursuant to any provision of this chapter shall promptly report to the attorney general the fact of and the circumstances surrounding such discharge. A person discharged under the provisions of this section shall have the right within thirty days thereafter to appeal to the superior court of the county where such person may reside for a determination by such court (with the aid of a jury if the appellant so elects) as to whether or not the discharge appealed from was justified under the provisions of this act. The court shall speedily hear and determine such appeals, and from the judgment of the court, there shall be a further appeal to the supreme court of New Hampshire as in civil cases.

648:17 Declarations of Candidates. No person shall become a candidate for election to, nor qualify for, any public office under the election laws of this state unless he or she shall file with the declaration of candidacy, or prior to qualifying, an affidavit that he or she is not a subversive person as defined in this chapter. No declaration of candidacy shall be received for filing by any town or city clerk or by the secretary of state unless accompanied by the affidavit aforesaid and there shall not be entered upon any ballot or voting machine at any election the name of the person who has failed or refused to make the affidavit aforesaid.

648:18 False Statements. Every written statement made pursuant to this chapter by an applicant for appointment or employment, or by any employee shall be deemed to have been made under oath if it contains a declaration preceding the signature of the maker to the effect that it is made under the penalties of perjury. Any person who makes a material misstatement of fact (a) in any such written statement, or (b) in any affidavit made pursuant to the provisions of this chapter, or (c) under oath in any hearing conducted by any agency of the state, or of any of its political subdivisions, pursuant to this chapter, or (d) in any written

statement by an applicant for appointment or employment or by an employee in any state aid institution of learning in this state, intended to determine whether or not such applicant or employee is a subversive person as defined in this chapter, which statement contains notice that it is subject to the penalties of perjury shall be subject to the penalties of perjury.

648:19 Privilege Against Self-Incrimination. No witness summoned by the attorney general in the course of the investigation of subversive activities as provided in chapter 307 of the Laws of 1953 as amended by chapter 197, Laws of 1955, or as provided herein, shall be excused from giving his testimony or producing documentary evidence upon the ground that such testimony or documentary evidence could tend to incriminate him provided that upon claim of privilege against self-incrimination, on relation of the attorney general, any justice of the superior court has adjudged the testimony of such witness or the production of such evidence to be necessary in the public interest confirmed by such justice in a written communication to the witness which shall be made a part of the record of the hearing, case or proceeding in which such testimony or evidence is given. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise and no testimony so given by him shall in any prosecution be used as evidence, either directly or indirectly, against him nor shall he thereafter be prosecuted for any offense so disclosed by him.

648:20 —Limitation. No witness shall be exempt under any provision hereof from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided for herein.

CHAPTER 649

SABOTAGE PREVENTION

649:1 Definitions. As used in this chapter:

I. "Highway" includes any private or public street, way or other place used for travel to or from property.

II. "Highway commissioner" means the state highway commissioner, the city council of a city or board of selectmen of a town having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

III. "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

649:2 Intentional Injury to or Interference with Property. Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, shall be guilty of a class A felony. Provided, if such person so acts with the intent to hinder, delay or

interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations, the minimum punishment shall be imprisonment for not less than one year.

649:3 Intentionally Defective Workmanship. Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a class A felony. Provided, if such person so acts or so fails to act with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations, the minimum punishment shall be imprisonment for not less than one year.

649:4 Attempts. Whoever attempts to commit any of the crimes defined by this chapter shall be liable to one-half the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by this chapter not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

649:5 Conspirators. If two or more persons conspire to commit any crime defined by this chapter, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

649:6 Witnesses' Privileges. No person shall be excused from attending and testifying, or producing any books, papers, or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this chapter or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding

or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

649: 7 Unlawful Entry on Property. Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission." Whoever without permission of such owner shall wilfully enter upon premises so posted shall be guilty of a misdemeanor.

649: 8 Questioning and Detaining Suspected Persons. Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in RSA 649: 7 may stop any person found on any premises to which entry without permission is forbidden by said section and may detain him for the purpose of demanding, and may demand, of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of RSA 649: 7; and said employee shall forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating the provisions of said section.

649: 9 Closing and Restricting Use of Highway. Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or by any country with which the United States shall then maintain friendly relations, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the appropriate highway commissioner to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof. Upon receipt of such petition, the highway commissioner shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least seven days prior to the date set for hearing. If after hearing the highway commissioner determines that the public safety and the safety of the property of the petitioner so require,

they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof: Provided, the highway commissioner may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioner may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioner may at any time revoke or modify any order so made. Whoever violates any order made under this section shall be guilty of a misdemeanor.

649:10 Rights of Labor. Nothing in this chapter shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection nor to make strikes illegal.

649:11 Relation to Other Statutes. All acts and parts of acts inconsistent with this chapter are hereby suspended in their application to any proceedings hereunder. If conduct prohibited by this chapter is also made unlawful by another or other laws, the offender may be convicted for the violation of this chapter or of such other law or laws.

649:12 When in Force. This chapter, and all orders made under it shall be in force until May 15, 1945 and thereafter whenever the governor and council shall by proclamation declare a state of emergency to exist; provided, any violation hereof, committed while this chapter is in force, may be prosecuted and punished thereafter, whether or not this chapter is in force at the time of such prosecution and punishment.

CHAPTER 650

OBSCENE MATTER

650:1 Obscene Defined.

I. Material is obscene if

(a) considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and

(b) it goes substantially beyond customary limits of candor in describing or representing such matters, and

(c) it is utterly without redeeming social importance. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

II. Undeveloped photographs, molds, printing plates, and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

650:2 Offenses. A person is guilty of a misdemeanor if he commits obscene when, with knowledge of the nature of content thereof, he:

I. sells, delivers or provides, or offers or agrees to sell, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene; or

II. presents or directs an obscene play, dance or performance, or participates in that portion thereof which makes it obscene; or

III. publishes, exhibits or otherwise makes available any obscene material; or

IV. possesses any obscene material for purposes of sale or other commercial dissemination; or

V. sells, advertises or otherwise commercially disseminates material, whether or not obscene, by representing or suggesting that it is obscene.

650:3 Exemption. A motion picture projectionist or motion picture machine operator who is regularly employed by anybody to operate a projecting machine in a public motion picture theatre shall not be guilty of a violation under this chapter because of the picture which is being projected if he is required to project it as part of his employment.

650:4 Justifiable and Non-Commercial Private Dissemination. It is an affirmative defense to prosecution under this chapter that dissemination was restricted to:

I. institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material; or

II. non-commercial dissemination to personal associates of the accused who are not under eighteen years of age.

650:5 Evidence; Adjudication of Obscenity. In any prosecution under this chapter evidence shall be admissible to show:

I. the character of the audience for which the material was designed or to which it was directed;

II. what the predominant appeal of the material would be for ordinary adults or any special audience to which it was directed, and what effect, if any, it would probably have on conduct of such people;

III. artistic, literary, scientific, educational or other merits of the material;

IV. the degree of public acceptance of the material in the United States;

V. appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; and

VI. the good repute of the author, creator, publisher or other person from whom the material originated;

VII. expert testimony and testimony of the author, creator, publisher or other person from whom the material originated, relating to factors entering into the determination of the issue of obscenity.

CHAPTER 651

SENTENCES

651:1 Applicability.

I. The provisions of this chapter govern the sentencing for every offense other than murder, whether defined within or outside the code.

II. This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Any appropriate order exercising that authority may be included as part of the judgment of conviction.

651:2 Sentences and Limitations.

I. A person convicted of a felony or misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

(a) Fifteen years for a class A felony,

(b) Seven years for a class B felony,

(c) One year for a misdemeanor,

and, in the case of a felony only, a minimum which is not to exceed one-half of the maximum.

III. A person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The amount of any fine imposed on

(a) any individual may not exceed two thousand dollars for a felony, one thousand dollars for a misdemeanor, and one hundred dollars for a violation.

(b) a corporation or unincorporated association may not exceed fifty thousand dollars for a felony, ten thousand dollars for a misdemeanor and five hundred dollars for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

(c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.

V. A person may be placed on probation if the court finds he is in need of the supervision and guidance that the probation service can provide. The period of probation shall be for a period to be fixed by the court not to exceed five years for a felony, two years for a misdemeanor, and one year for a violation. Upon petition of the probation officer or the probationer the period may be terminated sooner by the court if the conduct of the probationer warrants it.

VI. A person may be sentenced to a period of conditional discharge if he is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the defendant should conduct himself according to conditions determined by the court. The period of a conditional discharge shall be three years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of his offense and that condition has not been satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than two years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

VII. When a probation or a conditional discharge is revoked, the defendant may be fined, as authorized by paragraph IV, if a fine was not imposed in addition to the probation or conditional discharge. Other-

wise the defendant shall be sentenced to imprisonment as authorized by paragraph II.

VIII. A person may be granted an unconditional discharge if the court is of the opinion that no proper purpose would be served by imposing any condition or supervision upon the defendant's release. A sentence of unconditional discharge is for all purposes a final judgment of conviction.

651:3 Calculation of Periods.

I. A sentence of imprisonment commences when it is imposed if the defendant is in custody or surrenders into custody at that time. Otherwise, it commences when he becomes actually in custody. All the time actually spent in custody prior to the time he is sentenced shall be credited against the maximum term of imprisonment that is imposed and against any minimum term authorized by RSA 651:2 or 6.

II. If a court determines that the defendant violated the conditions of his probation or conditional discharge but reinstates the probation or discharge, the period between the date of the violation and the date of restoration is not computed as part of the period of probation or discharge.

III. If a person who is imprisoned in a penal institution is convicted of a felony committed while he was imprisoned or during an escape from imprisonment, the term of imprisonment authorized by RSA 651:2, II, or 6 may be added to the portion of the term which remained unserved at the time of the commission of the felony. Otherwise, any sentence of imprisonment imposed on a person who is subject to an undischarged term of imprisonment and any multiple sentences of imprisonment imposed on any person shall be served concurrently.

651:4 Presentence Investigation.

I. No person convicted of a felony shall be sentenced before a written report of a presentence investigation has been presented to and considered by the court, unless waived by defendant and the state. The court may, in its discretion, order a presentence investigation for a defendant convicted of a misdemeanor. The report shall include a recommendation as to disposition, together with reference to such material disclosed by the investigation as supports such recommendation.

II. Before imposing sentence, the court shall advise the defendant and his counsel of the factual contents of any presentence investigation and afford fair opportunity to controvert them. The sources of confidential information need not, however, be disclosed. The court shall also ask the defendant if there are any other offenses which he wishes to be taken into account in determining his sentence. If the defendant indicates that there are, the county attorney shall be notified and afforded an opportunity to be heard. If, after any such hearing, the court takes into account such other offenses as are disclosed, the record shall so state and the sentence imposed shall bar the prosecution or conviction in this state of the person sentenced for any such admitted crimes.

651:5 Disposition of Certain Records.

I. If a person who has been sentenced to probation or conditional discharge has complied with the conditions of his sentence, he may, at the termination of the sentence or at any time thereafter, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

II. If a person who has been sentenced to unconditional discharge has been convicted of no other crime except a traffic offense during a two-

year period following such sentence, he may, at any time after such two-year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

III. If a person under twenty-one years of age at the time of his criminal act is sentenced to imprisonment and in a three-year period following his release has been convicted of no other offense except a traffic offense, he may, at any time after such three-year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

IV. When an application has been made under paragraph I, II or III, the court shall require a probation officer to report to it concerning any convictions, arrests or prosecutions of the applicant during the periods specified in those paragraphs.

V. The court shall enter the order applied for under paragraph I, II or III if in the court's opinion the order will assist in the applicant's rehabilitation and will be consistent with the public welfare. Upon entry of the order, the applicant shall be treated in all respects as if he had never been convicted and sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed.

VI. Procedures governing application for an entry of an order annulling a conviction shall be established by rule of court. The application, however, may be made through an attorney or by a probation officer if the applicant gives him written authorization.

VII. Upon entry of the order of annulment of conviction, the court shall issue to the applicant a certificate stating that his behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the record of conviction and sentence.

VIII. In any application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

IX. Nothing in this section shall affect any right of the applicant to appeal from his conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense.

X. A person is guilty of a misdemeanor if, during the life of another who has had a record of conviction annulled pursuant to this section, he discloses or communicates the existence of such record.

651: 6 Extended Term of Imprisonment.

I. If a court finds that a convicted person is more than twenty-one years of age, he may be sentenced according to paragraph II if the court also finds that

(a) the circumstances of the crime for which he is to be sentenced show that he has knowingly devoted himself to criminal activity as a major source of livelihood; or

(b) the court has subjected him to a psychiatric examination on the basis of which the court finds that he is a serious danger to others due to a gravely abnormal mental condition; or

(c) he has twice previously been imprisoned, in this state or in any other jurisdiction, on sentences in excess of one year; or

(d) he manifested exceptional cruelty or depravity in inflicting death or serious bodily injury on the victim of his crime.

(e) Findings made under this paragraph shall be incorporated in the record.

II. If authorized by paragraph I, a person may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of

(a) any felony, a minimum to be fixed by the court of not more than ten years and a maximum to be fixed by the court of not more than thirty years;

(b) a misdemeanor, a minimum to be fixed by the court of not more than two years and a maximum to be fixed by the court of not more than five years.

651: 7 Release from State Prison.

I. Any person sentenced to imprisonment for a maximum of more than one year under RSA 651:2 whose record of conduct shows that he has faithfully observed all the rules of said prison, and has not been subjected to punishment, may be entitled to release from said prison upon the expiration of the minimum term of his sentence, or at any later time, if there shall appear to said board of parole to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. Any person so released shall be given a permit to be at liberty during the unexpired portion of the term of his sentence.

II. When a person is subject to multiple concurrent or consecutive sentences of imprisonment, as provided in RSA 651:3, III, the provisions of this section shall be computed from the longest of said sentences.

III. The release of persons from state prison who have been sentenced thereto prior to the effective date of this code shall be governed by the law in effect at the time of their sentence.

Insane Persons

651: 8 Certificate of Jury. Whenever the grand jury shall omit to find an indictment against a person, for the reason of insanity or mental derangement, or a person prosecuted for an offense shall be acquitted by the petit jury for the same reason, such jury shall certify the same to the court.

651: 9 Committal. In either of the cases aforesaid the court, if it is of opinion that it will be dangerous that such person should go at large, may commit him to the prison or to state hospital for life until or unless earlier discharged, released, or transferred by due course of law.

651: 10 Discharge or Transfer from Prison. The governor and council or the superior court may discharge any such person from prison, or may transfer any prisoner who is insane to the state hospital, to be there kept at the expense of the state, whenever they are satisfied that such discharge or transfer will be conducive to the health and comfort of the person and the welfare of the public.

651: 11 Transfer from Jail. If any insane person is confined in jail, or a house of correction, the superior court may order him to be committed to the state hospital, if it thinks it expedient.

Death Sentences

651: 12 Form. Where penalty of death is imposed the sentence shall be, that the defendant be imprisoned in the state prison at Concord until

the day appointed for his execution, which shall not be within one year from the day sentence is passed, and that he shall be then hanged by the neck until he is dead.

651:13 Place; Witnesses. The punishment of death shall be inflicted within the walls or yard of the state prison. The sheriff of the county in which the person was convicted, and two of his deputies, shall be present unless prevented by unavoidable casualty. He shall request the presence and may admit other reputable citizens not exceeding twelve, the relations of the attorney-general or county attorney, clerk of the court and a surgeon, of the convict, his counsel and such priest or clergyman as he may desire, and no others.

651:14 Civil Effect. If a person is convicted of an offense punishable by death, and sentenced accordingly, such conviction shall be civil death; and thereupon the bonds of matrimony shall be dissolved, his property shall descend, administration on his estate shall be granted, and all contracts to which he was a party, and all his rights, powers and liabilities of every kind, shall be affected in the same manner as by his natural death.

Sentence to State Prison

651:15 In What Cases; Form. Whenever the sentence for an offense is to be imprisonment for a maximum of more than one year, the sentence shall be, that the offender be imprisoned in the state prison. Such part of the term as the court may direct, not exceeding thirty days for each year's imprisonment, nor three years in the whole, may be in solitary confinement, and the residue at hard labor.

651:16 Solitary Confinement. Every convict sentenced to solitary imprisonment shall suffer the whole thereof immediately after his commitment to the state prison, unless the warden shall think such imprisonment may endanger his health, in which case it shall be inflicted at such intervals as he may order.

Sentence to House of Correction or Jail

651:17 Year or Less.

I. Whenever a person is sentenced either

- (a) For a misdemeanor under the provisions of RSA 651:2; or
- (b) For a felony under the provisions of RSA 651:2; or
- (c) For an extended term of imprisonment under RSA 651:6, and the maximum term thereof does not exceed one year.

II. The sentence shall be that the offender be confined to hard labor, for the term ordered by the court, in the county house of correction, or in a jail, except where otherwise expressly provided.

651:18 Place; Reduction in Sentence. Persons liable to commitment to jail for any offense may be committed to the jail or to any house of correction in the discretion of the court. The keeper of said jail or superintendent of said house of correction may issue a permit to any prisoner, whose record of conduct shows that he has faithfully observed all the rules of said jail or house of correction, to be at liberty at a time in advance of the expiration of the term or sentence imposed by the court for a misdemeanor under the provisions of RSA 651:2, or in advance of the expiration of the minimum term of imprisonment imposed by the

court under the provisions of RSA 651: 2 or 6, to be computed by deducting therefrom not more than three days for each month of said term of sentence.

Discretionary Sentences

651: 19 Release for Purpose of Gainful Employment or Rehabilitation.

Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for such other purpose as the court may deem conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

651: 20 Incarceration Under Suspended Sentence. Notwithstanding any other provision of law, the sentence to imprisonment of any person may be suspended, at the time of sentence or at any time while any part thereof remains unserved, and he may be required to report to the institution to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct. Time so spent in said institution shall be deducted from the maximum term, and where there are both a minimum term and a maximum term, from both. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days confinement exceed the number of days in the minimum term, where there is one, or in the maximum term.

651: 21 Terms on Revocation of Suspended Sentence. Upon revocation of any suspended sentence the court may order that the defendant serve such sentence in full or in such parts and at such times as is deemed best, may further suspend any part not ordered to be served upon such terms and conditions as the court may order and may place the defendant on probation during the time any portion of the sentence remains suspended.

651: 22 Jurisdiction Over and Disposition of Wages and Income. In any criminal case, in addition to such other terms and conditions as may be imposed by the court, a defendant who has received a suspended sentence or who has been released under RSA 651: 19 may be required by the court to surrender to the probation department or other agency designated by the court all or part of his wages or other income, less standard payroll deduction required by law, earned during the time he is not confined under the sentence. The court may direct that after deducting therefrom the cost of his maintenance while not confined the balance be applied as needed for the support and maintenance of his dependents and that any balance after such application be deposited in a savings account to be released to him or applied as needed for the support of his dependents as the court may order before the expiration of his sentence. Upon expiration of his sentence the balance remaining shall be paid to him or his order.

651: 23 Change of Place of Confinement. The court for good cause may at any time before the expiration of an original sentence change the place of confinement to any other institution to which the defendant could have been committed under that sentence.

651: 24 Failure to Report Deemed Escape. Any person released under RSA 651: 19 or ordered confined under RSA 651: 20 or 21 who willfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

651: 25 Release from State Prison. The warden may release any person who has been committed to the New Hampshire state prison at any time during the term of sentence for the purpose of obtaining and working at gainful employment or for such other purpose as may be deemed conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as may be prescribed by the New Hampshire state board of parole and the warden, provided, however, that a prisoner who has not served sufficient time to be eligible for parole may be released under this section only if the sentencing court has been notified of the proposed release and has not objected within ten days of receipt of such notice. The warden may permit inmates of the New Hampshire state prison, who volunteer to do so, to be gainfully employed outside the institution when such employment is considered in their best interest and the best interest of the state. Inmates may be so employed for the state or for public or private employers. The rates of pay and other conditions of employment of a person released for work shall be the same as those paid or required in the locality in which the work is performed. An inmate so employed shall surrender to the warden his total earnings less payroll deductions authorized by law, including income taxes. After deducting from the earnings of each person an amount determined to be the cost of the person's keep, the warden shall: (1) allow the person to draw from the balance a sufficient sum to cover his incidental expenses; (2) credit to his account such amount as seems necessary to accumulate a reasonable sum to be paid to him on his release; (3) cause to be paid such part of any additional balance as is needed for the support of the person's dependents and notify the overseer of public welfare of the town, in which the person's dependents reside, of such support payments; (4) pay the balance to the person when he is released. Any part of a day a prisoner is employed outside the walls of the institution shall count as a full day toward the serving of his sentence as though served inside the walls. An inmate so employed outside shall be subject to the rules and regulations of the institution and be under the direction and control of the officers thereof. If he escapes or fails to return inside the walls of the institution as required by the rules or the orders of the officers thereof, he shall be punished as provided by RSA 622: 13. The warden of the New Hampshire state prison may at any time recall a prisoner from such release status if he believes or has reason to believe the peace, safety, welfare, or security of the community may be endangered by the prisoner being under such release status. Any such prisoner recalled under this provision shall be presented to the next regularly scheduled meeting of the New Hampshire state board of parole for its further consideration. A prisoner authorized to work at paid employment in the community under this section may be required to pay, and the warden is authorized to collect, such cost incident to the prisoner's confinement as the New Hamp-

shire state board of parole deems appropriate and reasonable. Such collections shall be deposited with the state treasurer as a part of the general revenue of the state.

Conditional Sentence of Fine or Imprisonment

651: 26 Term. Whenever a person is so conditionally sentenced the term of imprisonment shall not be less than one day for each five dollars of the fine and cost.

651: 27 Committal. The person against whom such conditional sentence is awarded shall be forthwith committed to the custody of an officer in court, or to prison, to be detained until the sentence is complied with; and, if he does not pay the fine and costs within the time limited, the officer shall cause the other part of the sentence to be executed forthwith.

Sentences Against Corporations

651: 28 Default. Whenever a corporation indicted under a statute fails to appear, after being duly served with process or an order of notice, its default shall be recorded, the charges in the indictment taken to be true, and judgment shall be rendered accordingly.

Employment of Prisoners on State Roads, etc.

651: 29 By Commissioner. The state commissioner of public works and highways may employ, or cause to be employed, convicts confined in the state prison in the construction, improvement and maintenance of state highways and in preparing road materials.

651: 30 Requisition, etc. Upon requisition of the commissioner, duly approved by the board of prison trustees, and under such rules and restrictions as may be prescribed by them, the warden shall send to the place at the time designated the number of convicts requisitioned or such proportion thereof as are in his judgment available.

651: 31 Supervision, etc. The commissioner shall designate and supervise the work of such convicts, provide transportation and provide, supervise and maintain necessary camps and commissariat.

651: 32 Discipline. The warden of the state prison shall have jurisdiction at all times over the discipline and control of convicts thus employed.

651: 33 Expenses. The expense of transportation, labor, necessary guarding, commissariat, camps and all other expense incidental to such work shall be borne by the respective funds provided for such state highways.

651: 34 Deductions from Sentence. A prisoner employed as herein provided, whose record of conduct while so employed shows that he has faithfully observed all the rules of the state prison governing such employment, and has not been subjected to punishment, shall be eligible for parole, at a time in advance of the expiration of the minimum term of his sentence, to be computed by deducting therefrom three days for every month he has been so employed.

651: 35 Prisoners in Jail, etc. The county commissioners of any county may make arrangements with the state commissioner of public works or

highways or with officials or a city or town to work prisoners from the jail or house of correction on the construction, improvement or maintenance of highways, or preparation of road materials, or with the state forester for the employment of such prisoners.

651:36 Custody of Prisoners from Jail and House of Correction. Prisoners so worked who come from the county jail shall be in the custody of the sheriff of the county, and those from the house of correction shall be in the custody of the superintendent thereof.

Parole of Prisoners

651:37 State Board of Parole. The board of trustees of the state prison shall constitute the state board of parole. Said board shall have the legal custody of all prisoners released upon parole until they receive their discharge or are remanded to prison, and shall make such rules and regulations relative to the performance of the duties of the parole officers as in its judgment are advisable. Each member of the board of parole, except the ex-officio members, shall be paid the sum of twenty-five dollars a day for such time as he is engaged in his duties as a member of said board. Said board shall keep a record of all doings, and shall report thereon to the governor and council quarterly and oftener when by them required.

651:38 State Parole Officer. Said board shall appoint some suitable person to act under its direction and control under the title of state parole officer.

651:39 —Salary. The annual salary of the state parole officer shall be that prescribed by RSA 94:1-4.

651:40 —Clerical Assistance. Such state parole officer may employ, with the approval of the board and subject to the regulations of the state personnel commission, such clerical assistance as may be necessary.

651:41 —Duties. Such state parole officer may supervise persons released on parole from any penal institution, if so requested by such institution, on such terms and conditions as may be agreed to by the board; and shall perform such other duties as may be required of him by said state board of parole.

651:42 Assistant Parole Officer. Said board may appoint assistant parole officers within the limits of its appropriation and subject to the regulations of the state personnel commission. Such assistant parole officers shall be under the direction and control of the state parole officer.

651:43 Expenses. Said state parole officer and assistant parole officers shall be paid their reasonable and necessary expenses actually incurred in the performance of their duties.

651:44 Assistance to Parole Officer. The county attorneys, the sheriffs and their deputies, the state police, and the police departments of the several cities shall, upon the request of the parole officer, furnish to him such information as they may possess relative to the conduct of paroled convicts and such reasonable assistance as he may require in his investigations, provided that unless the recommitment of a paroled convict was requested by the county attorney the expenses of such procedure incurred by sheriffs and their deputies shall be borne by the state upon warrant of the governor.

651:45 Terms of Release. The permit provided for in RSA 651:7 shall be issued by the state board of parole upon such terms and conditions as it shall establish.

651:46 Release to Custody of Parole Board; Reporting to Parole Officer. One of the terms of the permit in each case shall be that the released prisoner shall remain in the legal custody of the state board of parole, hereinbefore provided for. The permit shall also provide that said prisoner shall report to the state parole officer at such stated intervals as the board shall determine to be proper.

651:47 Reduction of Maximum Sentence While on Parole. Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his sentence equal to one third of the period of time during which the parolee is at liberty on said permit, provided that said parolee is not recommitted to the state prison or has been cited as a parole violator, pursuant to the provisions of this chapter. The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for herein.

651:48 Suspension of Supervision. In the case of a paroled prisoner who has entered the armed service of the United States, the board of parole may suspend all parole supervision of said person during the period he so serves and is subject to military law. Upon the termination of such service by honorable discharge said board may, in its discretion, give to said prisoner a final discharge.

651:49 Early Discharge for Good Conduct. Whenever the board of parole finds that the parolee is no longer in need of supervision because of his good conduct it may issue to him a certificate of discharge.

651:50 Complaint for Violation of Parole. When it appears to the state parole officer that any prisoner on parole from the state prison on a permit under the provisions hereof has violated the terms of his permit, or has violated the law, or has fallen among criminal companions, it shall be the duty of said parole officer to report the same to any member of the state parole board and if it shall appear to said member of said board that the parolee has violated the terms of his permit said member shall issue a warrant for the arrest of said parolee who may thereupon be arrested by said parole officer, any assistant parole officer, or any officer within the state authorized to make arrest, and returned to the state prison to await the action of the parole board at their next regular or special meeting. At said meeting said board shall hear the complaint and the said parolee shall have a right to appear and be heard.

651:51 Recommittal of Violator. If said board of parole upon hearing finds that the parolee has violated the terms of his permit or has violated the law, or has fallen among criminal companions, and should in their judgment be returned to prison, said board shall revoke the permit and the parolee shall be recommitted to the state prison.

651:52 Effect. A prisoner so recommitted may, at any time before the expiration of the remainder of his maximum sentence be again paroled upon such conditions and terms as the parole board shall prescribe. If not so paroled a prisoner so recommitted shall serve the remainder of his maximum sentence. For purposes of this section, the maximum sentence may be reduced by subtracting therefrom a period of time equal to one third of the

period of time prisoner was at liberty on permit, provided that the latter period equaled thirty days in duration. The time between the return of the parolee to prison after his arrest and revocation of the permit shall be considered as time served as a portion of the maximum sentence as computed hereunder.

651: 53 —Deductions in Case of Recommittal. In case a convict so recommitted shall properly conduct himself in every way to the satisfaction of the warden of the prison he shall, upon the recommendation of the warden, be allowed not more than three days in each month during the remainder of his sentence, to be deducted from the maximum term for such good behavior.

651: 54 Final Discharge. Upon the expiration of the term of his maximum sentence as herein provided, a paroled prisoner shall be entitled to receive a final discharge; provided, that, at the time of such expiration, no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has issued as provided for in RSA 651: 50.

651: 55 Reduction of Minimum Term for Donation of Blood. Any prisoner who is confined to the state prison, any house of correction, or any jail and who is serving his minimum sentence shall be granted a reduction of five days therefrom for each donation of his blood to the American Red Cross, to blood banks of nonprofit hospitals and to similar organizations or institutions, or to members of the armed forces of the United States or to residents of the United States in times of disaster or to recognized public agencies engaged in medical or scientific research; such blood shall not be sold nor shall it be devoted to any commercial use. The reduction of sentence herein provided for shall not exceed ten days in any twelve-month period, and shall be in addition to any other reductions of sentence.

Out-of-State Parolee Supervision

651: 56 Execution of Compact Authorized. The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with any of the United States legally joining therein in the form substantially as follows:

A Compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Co-operative Effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

I. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, herein called "receiving state," while on probation or parole, if (a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to

the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

II. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

III. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense.

IV. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

V. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

VI. That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

VII. That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

VIII. It is hereby declared that the word "state" as used in this subdivision means any one of the several states and Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia. It is hereby recognized and further declared that pursuant to the consent an authorization contained in section 111 (b) of title 4 of the United States Code as added by Public Law 970-84th Congress, Chapter 941-2d Session, this state shall be a party to said Interstate Compact for the Supervision of Parolees and Probationers with any additional

jurisdiction legally joining therein when such jurisdiction shall have enacted said compact, in accordance with the terms thereof.

518:2 Effective Date. This act shall take effect as provided in RSA 625:2 as inserted by section 1 of the act.

[Approved July 7, 1971.]

[Effective date. This act shall take effect as provided in RSA 625:2 as inserted by section 1 of the act.]

CHAPTER 519.

AN ACT TO ELIMINATE UNFAIR INSURANCE PRACTICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

519:1 Unfair Insurance Practices. Amend RSA 417:4 as amended by 1965, 122:1 by striking out said section and inserting in place thereof the following:

417:4 Unfair Methods, Acts, and Practices Defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

I. MISREPRESENTATIONS. Misrepresenting, directly or indirectly, in the offer or sale of any insurance or in connection with any inducement or attempted inducement of any insured or person with ownership rights under an issued insurance policy to lapse, forfeit, surrender, assign, effect a loan against, retain, exchange, or convert the policy, by:

(a) Making, issuing, circulating, or causing to be made, issued or circulated any estimate, illustration, circular, or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages therein or the dividends or share of surplus to be received thereon;

(b) Making any incomplete comparison of insurance policies;

(c) Making any false or misleading representation as to the dividends or share of surplus previously paid on similar policies;

(d) Making any false or misleading representation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(e) Using any name or title of any policy or class of policies misrepresenting the true nature thereof;

(f) Employing any device, scheme, or artifice to defraud;

(g) Obtaining money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which it was made, not misleading; the burden of establishing truthfulness or completeness shall be upon the party stating or omitting to state a material fact; or

(h) Engaging in any other transaction, practice, or course of business which operates as a fraud or deceit upon the purchaser, insured, or person with policy ownership rights.

II. MISREPRESENTATIONS IN INSURANCE APPLICATIONS OR TRANSACTIONS. Making false or fraudulent statements or representations on or relative to

an application for insurance, for the purpose of obtaining a fee, commission, money or benefit from an insurer, agent, or individual.

III. FALSE INFORMATION AND ADVERTISING GENERALLY.

(a) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any insurer, its financial condition, or the terms of any contracts issued or to be issued or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon or with respect to any person in the conduct of his insurance business, which is untrue, incomplete, deceptive or misleading.

(b) The burden of establishing truth and completeness shall be on the person making, publishing, circulating or placing said advertisement, announcement, or statement before the public.

IV. DEFAMATION. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

V. BOYCOTT; COERCION AND INTIMIDATION.

(a) Entering into any agreement to commit or by any concerted action committing any act of boycott or individually or by any concerted action entering into any agreement to commit or committing any act of coercion or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(b) Except as contained in the policy, no insurance company, insurer, corporation, partnership, or individual shall make any contract or agreement with any person insured or to be insured that the whole or any part of his insurance which is subject to the provisions of this code, shall be placed by any particular corporation, partnership, or individual or be written by or in any particular company or insurer, or by or in any group of companies or insurers or by any agent or group of agents. Any contracts made in contravention of this section, shall be null and void.

VI. FALSE FINANCIAL STATEMENTS. Knowingly filing with any supervisory or other public official or knowingly making, publishing, disseminating, circulating, or delivering to any person; or knowingly placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer. Knowingly making any false entry in any book, report, or statement of any insurer or knowingly misleading any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

VII. STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS. Issuing or delivering, or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or ad-

visory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

VIII. UNFAIR DISCRIMINATION.

(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatsoever.

(c) Making any unreasonable distinction or discrimination between persons as to the policy, premiums, or rates charged for policies upon the lives or health of such persons, or in any other manner whatever; demanding or requiring by an insurer a greater premium from any person than is at that time required by such insurer from persons of the same age, sex, general condition of health and prospect of longevity; making, or requiring any rebate, diminution or discount upon the amount to be paid on such policy in case of death of such person insured; inserting in the policy any condition, making any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full amount of value of such policy in case of a claim accruing thereon by reason of the death or disability of such person insured, other than such as are imposed on persons in similar cases. Any such stipulations or conditions so made or inserted shall be void.

(d) Making or permitting any unfair distinction or discrimination in any contract of insurance or annuity contract.

(e) Refusing to insure risks solely because of age (except in the case of life, accident or health insurance), place or area or residence, race, color, creed, national origin, ancestry, marital status, lawful occupation including the military service (except in the case of life, accident or health insurance), of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured or solely because the insured does not insure collateral business with the insurer.

IX. REBATES.

(a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of insurance or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in paragraphs VIII or IX(a) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from non-participating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(2) In the case of life insurance policies issued on the industrial debit plan making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses;

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(4) Issuing insurance policies covering bona fide employees of the insurer at a rate less than the rate charged other persons in the same class;

(5) Issuing policies on a salary saving, payroll deduction, pre-authorized, postdated, automatic check or draft plans at a reduced rate commensurate with the savings made by the use of such plan;

(6) Paying commissions or other compensation to duly licensed agents or brokers, or allowing or returning to participating policyholders, members or subscribers, dividends, savings, or unabsorbed premium deposits;

(7) Paying by an insurance agent of part or all of commissions on public insurance to a nonprofit association of insurance agents, which is affiliated with a recognized state or national insurance agents' association, to be used in whole or in part for one or more civic enterprises.

(8) Reduction of premium rate for policies of large amounts, but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts.

(c) Knowingly receiving or accepting, directly or indirectly, any rebate of premium or part thereof, or agents, or brokers commission thereon payable on any policy of insurance or annuity contract or any favor or advantage, a share in the dividend, or other benefit to accrue thereon, or receiving anything of value as an inducement to such insurance or contract or in connection therewith which is not specified, promised, or provided for in the policy or contract, except as provided in paragraph IX(b).

(d) Nothing in this chapter shall be construed as including within the definition of securities as inducement to purchase insurance, the selling or offering for sale, contemporaneously with life insurance or annuities, of mutual fund shares or face amount certificates of regulated investment companies under offerings registered with the securities and exchange commission and the state of New Hampshire pursuant to RSA 421 where such shares or such face amount certificates or such insurance or annuities may be purchased independently of and not contingent upon purchase of the other, at the same price and upon the same terms and conditions as were purchased independently.

X. TITLE INSURANCE COMMISSIONS, REBATES AND DISCOUNTS. Paying, allowing, or permitting commissions, rebates, or discounts to any person having an interest in or lien upon real property, which is the subject of the

title insurance involved, or to any person acting for or on behalf of a person with such an interest or lien.

XI. POLITICAL CONTRIBUTIONS. Directly or indirectly, paying, using, or offering, or consenting or agreeing to pay or to use by any insurer any money or property for or in aid of any political party, committee, or organization, or for or in aid of any corporation, joint stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for money or property so used.

XII. COLLECTING PROPER PREMIUM. Knowingly collecting as premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the commissioner, except a premium finance charge as allowed by law; or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved, such premiums and charges shall not be in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collecting, by surplus line brokers of the amount of applicable state and federal taxes in addition to the premium required by the insurer. Nor shall it be deemed to prohibit the charging and collecting, by an insurer, of amounts actually to be expended for medical examination of an applicant for insurance or for reinstatement of an insurance policy.

XIII. SEPARATE CHARGE FOR INSURANCE. Arranging or participating in any plan to offer or effect in this state as an inducement to the purchase or rental by the public of any property or services, any insurance for which there is no separate charge to the insured. This section does not apply to:

(a) Insurance offered as a guarantee of the performance of goods, and designed to protect the purchasers or users of such goods;

(b) Title insurance;

(c) Towing and labor services of motorist service clubs.

XIV. COVERAGE REDUCTION. Reduction by an insurance company authorized to do business in this state of liability limits or increasing premiums on any policy during its term, without the consent of the insured.

XV. UNFAIR CLAIM SETTLEMENT PRACTICES BY INSURERS.

(a) Any of the following acts by an insurer, if committed without just cause and performed with such frequency as to indicate a general business practice, shall constitute unfair claim settlement practices:

(1) Knowingly misrepresenting to claimants or insureds pertinent facts or policy provisions relating to coverages at issue;

(2) Failing to acknowledge and act promptly upon communications with respect to claims arising under insurance policies;

(3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(4) Not attempting in good faith to effectuate prompt, fair and equitable settlements or compromises of claims in which liability has become reasonably clear;

(5) Compelling claimants to institute litigation to recover amounts due under insurance policies by offering substantially less than the amounts ultimately recovered in actions brought by them;

(6) Adopting or making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants

for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(7) Attempting settlement or compromise of a claim on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(8) Attempting to settle or compromise a claim for less than the amount which the insured had been led to believe he was entitled to by written or printed advertising material accompanying or made part of an application;

(9) Attempting to delay the investigation or payment of claims by requiring an insured and his physician to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(10) Making any claim payment not accompanied by a statement setting forth the benefits included within the claim payment;

(11) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss forms have been submitted;

(12) Refusing payment of a claim solely on the basis of an insured's request to do so without making an independent evaluation of the insured's liability based upon all available information;

(13) Failure of an insurer to maintain a complete record of all complaints which it has received, whether or not they were deemed valid, the time it took to process the complaint, and the disposition thereof and file an annual report thereof with the insurance department.

(b) Evidence as to numbers and types of complaints to the insurance department against an insurer, and said department's complaint experience with other insurers writing similar lines of insurance, shall be admissible in evidence in an administrative or judicial proceeding brought under this title, provided no insurer shall be deemed in violation of this section solely by reason of the numbers and types of such complaints.

XVI. COERCION IN REQUIRING INSURANCE.

(a) No creditor or lender engaged in the business of financing the purchase of real or personal property or of lending money on the security of real or personal property may require, as a condition to such financing or lending, or as a condition to the renewal or extension of any such loan or to the performance of any other act in connection with such financing or lending, that the purchaser or borrower, or his successors shall negotiate through a particular insurance company or companies, insurance agent or agents, broker or brokers, type of company or types of companies, any policy of insurance or renewal of a policy insuring such property. This provision does not prevent the exercise by any mortgagee of his right to approve on a reasonable non-discriminatory basis only insurance companies authorized to do business in this state, selected by the borrower.

(b) There shall be no interference either directly or indirectly with such borrower's, debtor's or purchaser's free choice of an agent and of an insurer which complies with the foregoing requirements, and the creditor or lender may not refuse the policy so tendered by the borrower, debtor or purchaser. Upon notice of any refusal of such tendered policy, the insurance commissioner shall order the creditor or lender to accept the tendered policy, if the commissioner determines that the refusal is not in accordance with the foregoing requirements of this subparagraph. Failure to comply with such an order of the insurance commissioner is a violation of this section.

(c) Whenever the instrument requires that the purchaser, mortgagor, or borrower furnish insurance of any kind on real property being conveyed or that is collateral security to a loan, the mortgagee or lender shall refrain from disclosing or using any and all such insurance information to his or its own advantage and to the detriment of either the borrower, purchaser, mortgagor, insurance company, or agency complying with the requirements relating to insurance.

(d) No insurer may automatically write insurance on a debtor who has contracted credit based on the principle that the insurance is applicable unless specifically rejected by the debtor, unless the premium or such other identifiable charge as may be applicable is paid in full by the creditor.

XVII. COMPLAINT HANDLING PROCEDURES APPLICABLE TO INSURANCE COMPANIES.

(a) Failing to maintain a procedural means within the company, headed by a responsible officer, to process and respond adequately to policyholders' complaints.

(b) Failing to record and assemble all records of policyholders' complaints in a central location to facilitate periodic review by insurance departments.

(c) Failing to record, maintain and produce, when requested by appropriate authority, a summary of all complaints received, whether or not they were deemed valid, the time it took to process the complaint, and the disposition thereof and failing to file an annual report thereof with the insurance department.

(d) Failing to provide within this state reasonable means whereby any person aggrieved by the application of an insurer's rating system, claims practices, sales practices or underwriting procedures may be heard, in person or by his authorized representative, upon his written request to review the manner in which such procedures were applied in connection with insurance afforded or tendered to him.

XVIII. CONFLICT OF INTEREST. Failing to establish a reasonable procedure whereby insurance company officers, directors, trustees or responsible employees can disclose to the company board of directors or trustees any material interest or affiliation likely to conflict with their official duties.

519:2 Commissioner. Amend RSA 417 by inserting after section 5 the following new section:

417:5-a [New] Cumulative Authority. The enumeration in this chapter of powers vested in the commissioner and of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or any court of review but the provisions of such chapter are in all respects cumulative of and supplemental to the insurance code and all other applicable New Hampshire statutes and common law.

519:3 Unfair Insurance Practices; Notice of Hearing. Amend RSA 417:6 by striking out said section and inserting in place thereof the following:

417:6 Notice of Hearing. Whenever the commissioner shall have reason to believe that any such person has been engaged or is engaging in any unfair method of competition or any unfair or deceptive act or practice

defined in RSA 417:4, and that a proceeding by him in respect thereto would be to the public interest, he shall issue and serve upon such person a statement of the charges and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof. The notice of the hearing may be in the form of a notice to show cause, stating the proposed action to be taken unless such person shows cause at a hearing to be held as specified in the notice, why the proposed action should not be taken, and stating the basis of the proposed action.

519:4 Hearing; Hearing Record. Amend RSA 417:7 by striking out in lines three, four and five the words "and to show cause why an order should not be made by the commissioner requiring such person to cease and desist from engaging in any method of competition, act or practice constituting the alleged violation" and inserting in line twelve after the word "written" the words (or electronic) so that said section as amended shall read as follows:

417:7 Hearing; Witnesses; Production of Books. At the time and place fixed for such hearing, such person shall have an opportunity to be heard. The commissioner upon such hearing may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance, and require the production of books, papers, records, correspondence, or other documents which he deems relevant to the inquiry. The commissioner, upon such hearing may, and upon the request of any part shall, cause to be made a written or electronic record of all the evidence offered or introduced and all proceedings had at such hearing. Nothing in this chapter contained shall require the observance at such hearing of formal rules of pleading or evidence.

519:5 Penalty for Violation. Amend RSA 417:10 by striking out said section and inserting in place thereof the following:

417:10 Orders and Penalty. If after hearing or at the expiration of the period set forth in a show cause order issued pursuant to this chapter, any person is found to have violated RSA 417:3, the commissioner may suspend, revoke, or refuse to renew the license of that person. The commissioner in his discretion, in addition to or in lieu of such suspension, revocation, or refusal to renew, may impose upon that person an administrative penalty of not more than two thousand five hundred dollars for each method of competition, act, or practice found to be in violation of RSA 417:3. The commissioner shall collect the amount so imposed and may bring an action in the name of the state to enforce collection.

519:6 Appeal from Decision. Amend RSA 417:11 by striking out said section and inserting in place thereof the following:

417:11 Appeal. Any party to the proceedings aggrieved by any order or decision of the insurance commissioner pursuant to the preceding section shall be entitled to an appeal in accordance with the provisions of RSA 541.

519:7 Procedure. Amend RSA 417:12 by striking out said section and inserting in place thereof the following:

417:12 Procedure as to Undefined Unfair Acts and Practices.

I. Whenever the commissioner shall have reason to believe that any person engaged in the business of insurance is engaging in this state in any method of competition or in any act or practice in the conduct of such business which is not defined in RSA 417:4 nor which has been determined pursuant to this section to be an unfair method of competition, or an unfair or deceptive act or practice in the business of insurance and that such method of competition is unfair or that such act or practice is unfair or deceptive, and that a proceeding by him in respect thereto would be in the public interest, he shall issue and serve upon such person a statement of the charges and a notice of hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof. The notice of the hearing may be in the form of a notice to show cause, stating the proposed action to be taken unless such person shows cause at a hearing to be held as specified in the notice, why the proposed action should not be taken, and stating the basis of the proposed action.

II. At the expiration of the period set forth in the show cause order issued pursuant to the preceding paragraph, or if after such hearing, the commissioner shall determine that the method of competition or the act or practice in question is in violation of this chapter and if such method of competition, act, or practice has not been discontinued, he shall reduce his findings to writing and shall issue and cause to be served on the person charged with the violation an order requiring such person to cease and desist from engaging in such method of competition, act or practice.

III. Upon showing by any person that he has an interest likely to be affected adversely, the commissioner shall permit such person to intervene, appear and be heard at such hearing by counsel or in person.

IV. An order of the commissioner to cease and desist shall become final:

(a) Upon the expiration of the period set forth in the show cause order; or

(b) Upon receipt of the order by the person involved.

V. Any party aggrieved by any order or decision of the insurance commissioner pursuant to this section shall be entitled to an appeal in accordance with the provisions of RSA 541.

519:8 Penalty for Violation of Cease and Desist Order. Amend RSA 417:13 by striking out said section and inserting in place thereof the following:

417:13 Penalty. If any person violates a cease and desist order issued by the commissioner pursuant to RSA 417:12, the commissioner may suspend, revoke, or refuse to renew the license of that person. The commissioner in his discretion, in addition to or in lieu of such suspension, revocation, or refusal to renew, may impose upon that person an administrative penalty of not more than two thousand five hundred dollars for each method of competition, act, or practice found to be in violation of this chapter pursuant to RSA 417:12. The commissioner shall collect the amount so imposed and may bring an action in the name of the state to enforce collection.

519:9 Consumer Interests. Amend RSA 417 by inserting after section 17 the following new subdivision:

Consumer Interests and Insurance Unfair Trade Practices [New]

417:18 Definitions. As used in this subdivision the following words shall have the following meaning:

I. "Insurance unfair trade practices law" and similar phrases means those practices prohibited by RSA 417.

II. "Consumer" means any natural person who is offered or supplied goods or services for personal, family, or household purposes.

III. "Supplier" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance, including agents, brokers, and adjusters.

IV. "State insurance supervisory authority" means the New Hampshire insurance commissioner, or other official charged with the responsibility of regulating the insurance business in the state in question.

417:19 Action Against Supplier.

I. When a supplier, in any action or proceeding brought by the insurance commissioner, has been found to be in violation of this chapter or has been ordered to cease and desist, and said finding or order has become final, any consumer claiming to be adversely affected by the act or practice giving rise to such finding or order may bring suit against said supplier to recover any damages or loss suffered because of such action or practice.

II. Failure of the commissioner to take action under RSA 417:6 or RSA 417:12 within one hundred and twenty days from the date of the receipt of a complaint from an alleged injured person shall constitute a finding that the alleged act or practice is not in violation of this chapter. This finding may be appealed in accordance with RSA 541. If upon appeal the decision of the commissioner is not upheld, the petitioner may proceed under RSA 417:19, I.

417:20 Administration of Actions.

I. Actions under this chapter shall be administered, so far as practicable, to avoid a multiplicity of actions seeking relief for or on behalf of the same consumers.

II. Actions under this chapter shall be administered, so far as practicable, to facilitate voluntary settlements.

III. Whenever a consumer shall prevail in an action brought under RSA 417:19, I he shall be allowed to recover, in addition to damages, the cost of the suit, including reasonable attorneys' fees. Upon the termination of all suits under this section the court shall inquire into the reasonableness of attorneys' fees charged to the claimants and revise such fees where necessary to make them reasonable.

417:21 Effect of Finding or Order. A final finding or order rendered in any proceeding before the insurance commissioner pursuant to this chapter, to the effect that the defendant has engaged in an unfair insurance practice, shall be prima facie evidence against the defendant in any action or proceeding brought by any consumer against the defendant under the provisions of RSA 417:19, I. This section shall not apply to consent judgments. No consumer may recover more than once from the same supplier for the same act or practices.

417:22 Venue. An action under this chapter may be brought in Merrimack county superior court or any district of the United States in

which the claim arose or in which the defendant resides, is found, has an agent, is licensed to do business, or is doing business.

519:10 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 520.

AN ACT ESTABLISHING THE NEW HAMPSHIRE TURNPIKE SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

520:1 New Chapter. Amend RSA by inserting after chapter 256-B the following new chapter:

CHAPTER 256-C [NEW]

NEW HAMPSHIRE TURNPIKE SYSTEM

256-C:1 Definitions. As used in this chapter, the following terms shall have the following meanings:

I. "Central New Hampshire Turnpike" shall mean the turnpike constructed under RSA 257, the relocation and improvements constructed under RSA 257-A, the improvements authorized by RSA 256-C: 2, I, hereof, and such further improvements, modifications and extensions as the general court may hereafter authorize as part of the central New Hampshire turnpike.

II. "Eastern New Hampshire Turnpike" shall mean the toll road constructed under RSA 256, the bridge constructed under RSA 256-A, the improvements and extension authorized by RSA 256-C: 2, I and II, and such further improvements, modifications and extensions as the general court may hereafter authorize as part of the eastern New Hampshire turnpike.

III. "New Hampshire Turnpike System" shall mean the toll highway authorized by RSA 256-C: 2, IV and such further toll highways and improvements, modifications and extensions of toll highways as the general court may hereafter authorize as part of the New Hampshire turnpike system. When the bonds issued prior to January 1, 1971 to finance the central New Hampshire turnpike have been fully paid, or sums deposited with the paying agent for such payment, the central New Hampshire turnpike shall become a part of the New Hampshire turnpike system, the toll account established under RSA 257: 7 shall become part of the toll account established under RSA 256-C: 8, and RSA 257 and 257-A shall cease to be in force. When the bonds issued prior to January 1, 1971 to finance the eastern New Hampshire turnpike have been fully paid, or sums deposited with the paying agent for such payment, the eastern New Hampshire turnpike shall become part of the New Hampshire turnpike system, the toll account established under RSA 256: 8 and 8-a shall become part of the toll account established under RSA 256-C: 8, and RSA 256 and 256-A shall cease to be in force.

256-C: 2 Authority Granted. Subject to RSA 256-C: 3, II, the commissioner of public works and highways, with the approval of the governor and council, is authorized to:

I. Make improvements to that portion of the eastern New Hampshire turnpike known as the Blue Star memorial highway, including, but not limited to, the addition of two traffic lanes in each direction from the route NH 107 interchange in Seabrook to the route NH 101 interchange in Portsmouth and the reconstruction of the toll facilities in the town of Hampton;

II. Make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding Turnpike and extend said turnpike with four lanes including, but not limited to, the completion of existing interchange number 9, the Dover-Somersworth interchange, to provide highway service to the west, and the extension of the turnpike to the 1965 Milton-Wakefield project;

III. Make improvements to the central New Hampshire turnpike, including, but not limited to, the addition of a traffic lane or lanes in each direction from a point near the proposed junction of interstate route 93 near the Manchester-Hooksett town line to a point northerly of the junction of interstate route 89 in the city of Concord and the reconstruction of the toll facilities in the town of Hooksett; and

IV. Construct a toll highway between a point on interstate route 93 in Manchester and a point on the eastern New Hampshire turnpike in Hampton. The commissioner of public works and highways is instructed to utilize federal and state highway funds presently programmed for construction of this section of the east-west transportation corridor for highway improvements on other sections of the east-west transportation corridor to the maximum extent feasible.

256-C: 3 Determination of Feasibility.

I. The commissioner of public works and highways is authorized to contract with one or more firms for the making of studies in regard to the feasibility of widening and extending the eastern New Hampshire turnpike, widening the central New Hampshire turnpike and constructing a new toll highway as authorized by RSA 256-C: 2. The cost of such studies shall be charged sixty percent to the account under RSA 256: 8 and 8-a and forty percent to the account under RSA 257: 7.

II. Except for the making of the studies authorized by this section no project consisting of the widening or extension of the eastern New Hampshire turnpike or the widening of the central New Hampshire turnpike or the construction of a new toll highway, as authorized by RSA 256-C: 2, shall be carried out unless the commissioner of public works and highways estimates in writing to the governor and council, after examination of said studies, that it is feasible to carry out such project within the moneys provided therefor under this chapter and to satisfy the requirements of RSA 256-C: 10 after the completion of such project.

256-C: 4 Further Authority.

I. Except as may be inconsistent herewith and except as hereinafter provided, the projects authorized by RSA 256-C: 2, I and II shall be laid out, constructed and operated in accordance with, and shall be subject to, the provisions of RSA 256 until the eastern New Hampshire turnpike becomes part of the New Hampshire turnpike system, except that RSA 256: 4 through 7 shall not apply and except that the bonds referred to in RSA 256: 8 shall be deemed to include all bonds issued to finance

the eastern New Hampshire turnpike. Subject to the same exceptions, the projects authorized by RSA 256-C:2, III shall be laid out, constructed and operated in accordance with, and shall be subject to, the provisions of RSA 257 until the central New Hampshire turnpike becomes part of the New Hampshire turnpike system, except that RSA 256:3 through 6 shall not apply and except that the bonds referred to in RSA 256:7 shall be deemed to include all bonds issued to finance the central New Hampshire turnpike. In addition to other project costs, the cost of constructing any portion of the central New Hampshire turnpike, the eastern New Hampshire turnpike or the New Hampshire turnpike system may include any required payment to the United States on account of the incorporation of a federally-aided highway in such turnpike or system.

II. The commissioner of public works and highways is further authorized to operate and maintain the New Hampshire turnpike system. In doing so and in constructing any portion thereof, he may, subject to the limitations set forth in this chapter:

(a) Determine the location of each portion of the system and fix the width of its right-of-way.

(b) Acquire in the name of the state by purchase or by exercise of the right of condemnation as provided by statute such lands, property, rights, easements and interests as may be deemed necessary for carrying out the provisions of this chapter.

(c) Designate the locations and establish, limit and control such points of ingress to and egress from the system as may be necessary or desirable to ensure the proper operation of the system and to prohibit ingress to or egress from the system at any points not so designated.

(d) Permit toll free use of certain sections of the system if it is for the public good.

(e) Construct grade separations at intersections of the system with public roads and private ways, and change and adjust the lines and grades of such roads and ways so as to accommodate the same to the design of such grade separations and to the design of the system.

(f) Construct, operate and maintain portions of the system within the compact areas of cities and towns.

(g) Grant permits or licenses to any corporation or person to place and maintain along, on, under or within the system ducts, pipes, pipelines, poles, wires or other structures, to be so located as not to be unsightly and not to interfere with the safe and convenient operation and maintenance of the system, and contract with any such corporation or person for such permit or licenses on such terms and conditions as may be deemed necessary for carrying out the provision of this chapter. The appearance, construction, maintenance and repairs of any such ducts, pipes, pipelines, poles, wires or other structures shall be subject to such directions and regulations as may be imposed.

(h) Establish a temporary turnpike engineering section for the period of design and construction of any portion of the system, assign permanent employees of the department of public works and highways to duties and positions in said section and employ such engineers and assistants as may be necessary on a temporary basis for said period of design and construction. The costs of said turnpike engineering section shall be a charge against the funds made available under this chapter or otherwise for the system.

(i) Enter into contractual relations on behalf of the state.

(j) Do and perform all such acts as are necessary for the public good.

(k) Cause periodic traffic and economic studies to be made of the operation of the system.

(l) Make periodic studies of possible extensions or additions to the system.

(m) Employ such assistants, engineers or consulting services as may be necessary to carry out the studies authorized by paragraphs (k) and (l) herein and, upon approval by the legislature, extend or add to the system when recommendations of independent recognized consultants indicate that such extensions are economically feasible. The expense of the said studies shall be a charge upon the fund established under RSA 256-C: 8.

256-C: 5 Highway Patrol. The commissioner of public works and highways may establish a turnpike patrol for the maintenance of law enforcement, public safety, collection of tolls and courtesy aid on the turnpike system. The policies of such patrol shall be determined jointly by the commissioner of public works and highways and the director of the division of state police, department of safety, and members of the state police may be assigned to such patrol by mutual agreement. Operational control of portions of said patrol utilized for law enforcement and public safety shall be under the direction of the director of the division of state police, department of safety. Maintenance and operational employees of the department of public works and highways assigned to toll road duties may be given police powers and may be used on said patrol as designated. The cost of the said patrol shall be a charge on the fund established under RSA 256-C: 8.

256-C: 6 Funds Provided. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 256-C: 2:

<i>Projects</i>	<i>Amount</i>
Improvements to the Blue Star memorial highway. RSA 256-C: 2, I	Thirty-three million dollars (\$33,000,000)
Improvements and four lane extension of Spaulding Turnpike. RSA 256-C: 2, II	Twenty million dollars (\$20,000,000)
Improvements to Central New Hampshire Turnpike. RSA 256-C: 2, III	Twenty-eight million five hundred thousand dollars (\$28,500,000)
Toll highway between Manchester and Hampton. RSA 256-C: 2, IV	Forty million dollars (\$40,000,000)

After the completion of the project or projects authorized by any paragraph of RSA 256-C: 2, the governor and council may transfer any balance remaining in the appropriation for such project or projects to other projects under this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not lapse.

256-C: 7 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 256-C: 6, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding one hundred twenty-one million, five hundred thousand dollars (\$121,500,000) and for that purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A, provided that the bonds may mature up to thirty years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may

be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid.

256-C: 8 Tolls. Tolls or charges, which with the approval of the governor and council are deemed necessary and reasonable for the use of any part of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith, shall be collected from persons operating motor vehicles thereon or otherwise making use of said right-of-way. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account for the New Hampshire turnpike system and the operating expenses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid the interest and principal on the bonds issued to finance the system. Fourteen days previous to the time any such interest or principal is payable, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 256-C: 9, if such balance is insufficient to make the payment, then he shall notify the governor who will immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient the governor will draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of public works and highways shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 256-C: 4, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

256-C: 9 Interaccount Transfers. In the event the balance in the account under RSA 256: 8 and 8-a, RSA 257: 7 or RSA 256-C: 8 is insufficient at any time to meet the operating expenses, maintenance costs and debt service of the eastern New Hampshire turnpike, the central New Hampshire turnpike or the New Hampshire turnpike system, as the case may be, the treasurer shall transfer the amount necessary to meet the deficiency from the excess income in either or both of the other accounts. In determining which account or accounts to make the transfer from, the treasurer shall be guided by the respective needs of the accounts.

256-C: 10 Toll Criteria. Tolls shall be established on the New Hampshire turnpike system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in accordance with the following criteria:

I. Until the eastern New Hampshire turnpike becomes part of the New Hampshire turnpike system, tolls shall be established and revised from time to time under RSA 256: 8 which are at least sufficient to meet the operating expenses and maintenance costs of the eastern New Hampshire turnpike and to pay the principal and interest on bonds issued to finance the eastern New Hampshire turnpike.

II. Until the central New Hampshire turnpike becomes part of the New Hampshire turnpike system, tolls shall be established and revised from

time to time under RSA 257: 7 which are at least sufficient to meet the operating expenses and maintenance costs of the central New Hampshire turnpike and to pay the principal and interest on bonds issued to finance the central New Hampshire turnpike.

III. The tolls established or revised from time to time under RSA 256: 8 and 257: 7 and under 256-C: 8 shall be at least sufficient in the aggregate to meet the aggregate operating expenses and maintenance costs of the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system and to pay the aggregate principal and interest on bonds issued to finance the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system.

IV. Insofar as practicable, the tolls on the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system shall be comparable.

256-C: 11 Exemption from Tolls. Upon proper identification by legislative license plate, any elected member of the general court during his term of office shall be granted toll-free use of any section of the New Hampshire turnpike system.

256-C: 12 Limited Access. The New Hampshire turnpike system shall be limited access highways as defined in RSA 236: 1, except that RSA 236: 8 shall not apply to ducts, pipes, pipelines, poles, wires or other structures permitted under RSA 256-C: 4, II(g) or to pre-existing facilities on highways, not previously restricted as to access, used as toll free sections of the system.

256-C: 13 Contracts for Construction. All contracts for the construction of the New Hampshire turnpike system shall be awarded to the lowest responsible bidder submitting a sealed bid after an advertisement calling for bids has been published at least once in each of two successive weeks in a newspaper of general circulation in New Hampshire. The first publication of such advertisement shall be not less than fourteen days prior to the date upon which bids are received. Contracts shall be awarded in accordance with RSA 228: 4.

256-C: 14 Toll Reserve Accounts. Any excess of toll revenue which may exist from time to time in any of the individual turnpike reserve accounts or the New Hampshire turnpike system reserve account shall be used only to finance extension studies, maintenance, construction, reconstruction, and extensions of the system wherever located, interest on bonded indebtedness and/or retirement of bonded indebtedness or other costs which may be properly charged against these accounts and/or to the New Hampshire turnpike system.

520: 2 Repeal. The following chapters of RSA are hereby repealed.

I. RSA 256-B eastern New Hampshire turnpike improvements;

II. RSA 257-B central New Hampshire turnpike improvements.

520: 3 Application of Statutes. Any action heretofore taken under RSA 256-B or 257-B shall be deemed to have been under RSA 256-C as inserted by this act.

520: 4 Effective Date. This act shall take effect on July 1, 1971.

[Approved July 7, 1971.]

[Effective date July 1, 1971.]

CHAPTER 521.

AN ACT RELATIVE TO THE PREVENTION OF POLLUTION FROM DREDGING,
FILLING, MINING, TRANSPORTING FOREST PRODUCTS, OR
OTHER CONSTRUCTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

521:1 Altering the Terrain Included. Amend RSA 149:8-a (supp) as inserted by 1967, 254:1 by striking out said section and inserting in place thereof the following:

149:8-a [New] Dredging. Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible for the submission to the commission of detailed plans concerning such proposal and any additional relevant information requested by the commission, at least thirty days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives written permission from the commission. The commission shall have full authority to establish the terms and conditions under which any permit issued may be exercised, giving due consideration to the circumstances involved and the purposes of this chapter, and to make such rules and regulations as are reasonably related to the efficient administration of this section, and the purposes of this chapter. Nothing contained herein shall be construed to modify or limit the duties and authority conferred upon the water resources board under RSA 482 and RSA 483-A.

521:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 522.

AN ACT ESTABLISHING A PUBLIC DEFENDER SYSTEM
FOR MERRIMACK COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

522:1 Declaration of Purpose. It is hereby declared to be the policy of the state to establish a pilot program for Merrimack county for representation of indigent defendants in criminal cases.

522:2 Public Defender. In Merrimack county, notwithstanding the provisions of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint the public defender established by this act. The public defender for Merrimack county shall be the New Hampshire Legal Assistance in accordance with the terms of a contract with said organization.

522:3 Contract. The attorney general, with the approval of the governor and council, is authorized to enter into a two year contract with the New Hampshire Legal Assistance to establish an office of public defender and to provide legal services for indigent defendants in criminal cases in Merrimack county, as may be required under the provisions of RSA 604-A.

522:4 Compensation. The compensation for legal services for said indigent defendants in Merrimack county shall be such sums as may be fixed by the before-mentioned contract and said compensation shall be a charge upon the appropriation for the payment of counsel for indigent defendants in criminal cases for the biennium ending June 30, 1973, but said sums shall not exceed twenty-one thousand dollars of said appropriation.

522:5 Effective Date. This act shall take effect July 1, 1971 provided, however, that if the contract specified in section 3 has not been finalized by said effective date, the provisions of RSA 604-A shall be in effect in Merrimack county until said contract has been finalized.

[Approved July 7, 1971.]

[Effective date July 1, 1971.]

CHAPTER 523.

AN ACT RELATIVE TO THE PRACTICE OF PUBLIC ACCOUNTANCY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

523:1 New Chapter. Amend RSA by inserting after chapter 309 the following new chapter:

CHAPTER 309-A [NEW]

ACCOUNTANCY

309-A:1 Definitions. The words and phrases defined below shall have the following meaning, unless the context clearly indicates otherwise:

I. Certified public accountant is a person holding a certificate issued under RSA 309-A: 3 or 6.

II. Public accountant is a person licensed under RSA 309-A: 8.

III. Accounting practitioner is a person registered under RSA 309-A:10.

IV. The practice of public accountancy is the holding of one's self out to the public as skilled in the knowledge, science, and practice of accounting; as qualified and ready to render professional services therein for compensation, and the performing of such work as an accountant for more than one person or entity on a fee basis, in any of the following services: auditing; devising and installing accounting systems; recording and presentation of financial information or data; verification of accounts; provided, that other services, including the selling and installing of computers and bookkeeping equipment and forms, the preparation of tax returns, the rendering of routine bookkeeping and accounting functions through the use of computers and other machinery, and the performance of bookkeeping services only shall not be construed as the practice of public accounting if no representa-

tion is made that the person performing such services is a certified public accountant, a licensed public accountant, or an accounting practitioner.

V. The practice of public accountancy with the attest function is the preparing or rendering of accounting opinions or certifications on financial statements, schedules, reports or exhibits for publication, credit purposes, use in courts of law or equity, and for other purposes involving third parties.

309-A: 2 Board of Accountancy.

I. There shall be a board of accountancy consisting of five members to be appointed by the governor with the advice and consent of the council. Three of the members of said board shall be certified public accountants who have held certificates as such from the state of New Hampshire for a period of at least five years immediately preceding their appointment, and at least two of said certified public accountants shall be actively engaged in the practice of public accountancy at the time of their appointment. Two of the members of the board shall be noncertified public accountants, who at the time of their appointment shall be licensed as public accountants under the provisions of RSA 309-A: 8, and for a period of at least five years immediately preceding their appointment, shall have been actively engaged in the practice of public accountancy.

Commencing with appointments made from and after January 1, 1980, accounting practitioners may be appointed to the board in place of one or both public accountant members.

Each member shall be appointed for a term of three years and until his successor is appointed and qualified. No person shall be appointed to serve more than two terms. Appointment to fill an unexpired term is to be considered as serving a complete term. Vacancies shall be filled by the governor with the advice and consent of the council for the unexpired term. The governor with the advice and consent of the council may remove any member of the board for neglect of duty or other just cause.

The board shall organize by the election of a chairman and a secretary-treasurer and may make all rules and regulations necessary to carry into effect the purposes of this chapter. Such rules and regulations shall be published and a copy delivered to all persons certified, licensed or registered under this chapter. A quorum shall consist of not less than three members one of whom shall be a public accountant or accounting practitioner member.

The board shall have a seal which shall be judicially noticed. The board shall keep a record of all proceedings and actions by and before the board, and in any proceeding in a court, the certificate under seal of the board shall be prima facie evidence of any proceeding or action by or before the board stated in the certificate.

II. Members of the board shall be compensated in the amount of twenty-five dollars a day for each day actually engaged in the duties of the office. In addition, the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed twelve hundred dollars per annum. The board shall have printed and published for public distribution biennially, a register which shall contain the names, arranged alphabetically by classifications, of all persons holding certificates, licenses or registrations and having current permits to practice under this chapter; the names of the members of the board; and such other matters as may be deemed proper by the board. Copies of said registers shall be mailed to each certificate holder, each license holder, and each registration holder.

III. The board shall promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which code of ethics shall be binding on all persons practicing public accountancy temporarily or permanently in this state. At least sixty days prior to the promulgation of any such rule or amendment, the board shall mail copies thereof to all holders of certificates or licenses, or registrations issued under this chapter. Such copies shall contain a notice advising the addressee of the proposed effective date of the rule or amendment and requesting that he submit his comments thereon, if any, at least fifteen days prior to such effective date. Such comments shall be advisory only.

IV. Notwithstanding any other provision of this section, all matters pertaining to certified public accountants, including but not limited to the examination and certification of certified public accountants, and to the practice of accounting by certified public accountants, shall be within the exclusive jurisdiction of the certified public accountant members of the board, and when such matters are before the board, a majority of the certified public accountant members shall constitute a quorum.

309-A: 3 Certified Public Accountants. The certificate of "certified public accountant" shall be granted by the board to any person who:

I. is a resident of this state or has a place of business therein or as an employee is regularly employed therein, at the time of his application;

II. has attained the age of twenty-one years;

III. is of good moral character;

IV. shall have passed a written examination in theory of accounts, in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate and

V. who meets the educational and experience requirements as provided in RSA 309-A: 4.

309-A: 4 Educational and Experience Requirements. The minimum educational and experience requirements for certified public accountants shall be as prescribed in this section:

I. The minimum educational requirements shall be:

(a) Prior to January 1, 1973, the equivalent of a high school education.

(b) After January 1, 1973 and prior to January 1, 1976, the satisfactory completion of two years of college, or equivalent.

(c) After January 1, 1976, the satisfactory completion of four years of college, or equivalent.

II. The experience requirement shall consist of public accounting experience, satisfactory to the board, in any state in practice as a certified public accountant or as a public accountant, or, in any state in employment as a staff accountant by anyone practicing public accounting, or a combination of either of such types of experience and for the following periods of time:

(a) Three years for a candidate with less than four years of college, or equivalent.

(b) Two years for a candidate with four years of college, or equivalent.

(c) One year for a candidate holding a master's degree in accounting or business administration, if he has satisfactorily completed such number of semester hours in accounting, business administration and economics and such related subjects as the board shall determine to be appropriate.

III. Experience obtained in the employment of a governmental agency in the following areas may be accepted by the board in its discretion as qualifying experience under this section:

(a) In auditing the books and accounts of non-governmental entities in three or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards; or

(b) In a combination satisfactory to the board of the experience described in (a) above, together with auditing the books and accounts or activities of three or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards and reporting on their operation to a third party, to the congress, or to a state legislature; or

(c) In a combination satisfactory to the board of the experience described in (a) above, together with reviewing financial statements and supporting material covering the financial condition and operations of non-governmental entities engaged in three or more distinct lines of commercial or industrial business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

IV. None of the educational requirements specified herein shall apply to a candidate who, on the effective date of this chapter, has applied to and has been accepted by the board to take the examination.

309-A: 5 Examination. Any person who meets the requirements for a certificate except the requirement for experience shall be entitled to be examined. The board may make such use of all or any part of the Uniform Certified Public Accountants' Examination and Advisory Grading Service as it deems appropriate to assist it in performing its duties hereunder. All examinations shall be conducted by the board at a time and place designated by the board, and shall take place as often as may be necessary in the opinion of the board but not less frequently than once each year. A candidate who shall have passed the examination in at least two of the subjects given by the board shall receive credit for these subjects, and may be reexamined in only the remaining subjects. The board may, at its discretion, allow credit for all or part of an examination taken in another state or territory, if, in the opinion of the board, the examination is essentially the same as that given in this state. When the candidate passes any of the remaining subjects he shall receive credit for each subject so passed. No candidate shall be required to be reexamined in any subject for which the board has previously granted credit, for a period of five years after he has received such credit. Nothing herein shall be construed as prohibiting the reexamination in all subjects of a candidate who has failed in a prior examination. The board shall charge for the initial examination provided for herein a fee which shall be set by the board in an amount not to exceed seventy-five dollars. This fee shall be payable by the applicant at the time of making application. In case the application is rejected, the fee shall be refunded. Fees for reexamination as provided above shall be charged by the board in amounts determined by it, but not in excess of fifteen dollars for each subject in which the candidate is reexamined. No additional fee shall be charged for the certificate of a successful applicant.

309-A: 6 Exceptions. Nothing herein shall be construed as revoking any certificate as certified public accountant heretofore issued under

P.L. 270, R.L. 320, or RSA 309, or amendments thereto, provided the holder of such certificate has complied with the provisions thereof relating to annual registration. Credits for parts of the C.P.A. examination earned under pre-existing law shall also be honored under this chapter as fully as though acquired hereunder. The board may, in its discretion, waive the examination but not the other requirements of RSA 309-A: 3, and issue a certificate as certified public accountant to any person who holds a certificate as certified public accountant issued under the laws of any other state or territory, provided the requirements for such certificate in such state or territory are, in the opinion of the board, equivalent to those herein required; or who is the holder of a certificate, license or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect, and further provided that such states, territories and foreign countries shall extend reciprocal rights and privileges to residents of New Hampshire under similar circumstances.

309-A: 7 Partnerships. Nothing contained in this chapter shall prevent a partnership from using the words "certified public accountants" or the abbreviation "C.P.A.s" in connection with its firm name provided that the resident partners or managers of such partnership directly engaged in the conduct of such practice within this state shall hold C.P.A. certificates issued hereunder, and each partner thereof must be a certified public accountant of some state in good standing.

309-A: 8 Licensed Public Accountants.

I. A license as a public accountant shall be granted by the board to any person who is a resident of this state or has a place of business therein or as an employee is regularly employed therein, has attained the age of twenty-one years, is of good moral character and who, on the effective date of this chapter

(a) was holding himself out to the public as a public accountant and was engaged within this state in the practice of public accounting as his principal occupation on his own account or as a member of a firm of public accountants, or

(b) was employed as a staff accountant by a certified public accountant or firm of certified public accountants or by a public accountant or firm of public accountants and had been so employed, whether by one or more such employers, for a period of two years immediately preceding such effective date, or

(c) was employed by a governmental agency, federal, state or municipal or by an intermediary under contract with a federal or state agency under the Medicare or Medicaid programs, performing works substantially equivalent to that customarily performed by a person qualifying under

(b) and had been so employed, whether by one or more such employers, for the period of two years immediately preceding such effective date, or

(d) was serving in the armed forces of the United States and at the time of entering such service met the requirements specified in (a), (b), or (c).

II. A person eligible for licensing as a public accountant may apply to the board for such license within one year from the effective date hereof, except that an eligible person serving in the armed forces on such effective date may apply for a license within one year from the date of his discharge or release from such service. Applications shall be made upon forms fur-

nished by the board. Any person who on the effective date hereof would be eligible for a license as a public accountant but for those provisions of paragraph I hereof which specify a certain period of employment as a condition of eligibility may, within one year from the effective date, file with the board a certificate of intention in a form prescribed by the board; and upon the completion of the period of employment so specified under rules and regulations prescribed by the board, such person shall be entitled to a license as a public accountant.

III. The board may issue a license as a public accountant to any person possessing the qualifications of residence, age and character prescribed in paragraph I of this section who, on the effective date of this chapter was the holder of a license as a public accountant issued under the laws of any state, provided the requirements for such license in the state in which it was granted were, in the opinion of the board, equivalent to the requirements in this state at the time the applicant's original license was issued, and provided, further, that such state extends the same rights and privileges to public accountants holding licenses issued under the laws of this state.

IV. A person licensed by the board under this section shall be known as a "public accountant". Public accountants licensed hereunder shall have all the rights and privileges to which they were entitled prior to the enactment hereof, and shall be bound by the same code of ethics as are certified public accountants.

V. The board shall charge as an application fee for a license as a public accountant a nonrefundable fee not to exceed twenty-five dollars, payable at the time of making application. The fee for filing a certificate of intention shall not exceed ten dollars, payable at the time of filing such certificate of intention.

309-A: 9 Partnerships of Public Accountants. Nothing contained in this chapter shall prevent a partnership from using the words "public accountants" in connection with its firm name, provided that the resident partners or managers of such partnership directly engaged in the conduct of such practice within this state shall be public accountants licensed hereunder, and each partner thereof must be a licensed or registered public accountant of some state in good standing.

309-A: 10 Accounting Practitioners.

I. Registration as an accounting practitioner shall be granted by the board to any person who is a resident of this state or has a place of business therein, or as an employee is regularly employed therein, has attained the age of twenty-one years, is of good moral character, and who

(a) shall have satisfied the educational requirements set forth under RSA 309-A: 4, I, (a), (b); and

(b) shall have passed the parts of the written examination administered under RSA 309-A: 3, IV designated as accounting practice and auditing.

II. The board may issue a registration as an accounting practitioner to any person possessing the qualifications of residence and character described in paragraph I of this section, who, on the date of application for such registration, is the holder of a registration as an accounting practitioner issued under the laws of any other state, provided that the requirements for such registration in the state in which it was granted were, in the opinion of the board, equivalent to the requirements in this state at the time the applicant's original registration was issued, and provided further

that such state extends the same privilege to accounting practitioners being registered under the laws of this state. For the purpose of this section, the title by which such other state designates its accountants shall not be controlling, but the matter shall be controlled by the substantive requirements, whether such accountants be called accounting practitioners, public accountants, or by any other title whatsoever.

III. A person registered by the board under this section shall be known as an "accounting practitioner". Accounting practitioners shall be authorized to practice public accountancy as defined in RSA 309-A:1, IV, but shall not be authorized to practice public accountancy with the attest function, as defined in RSA 309-A:1, V.

IV. The board shall charge as an application fee for registration as an accounting practitioner a non-refundable fee, not to exceed fifty dollars, payable at the time of making application.

309-A:11 Annual Permits. Annually, each certified public accountant, each public accountant, and each accounting practitioner shall file at the office of the board, giving his then residence and place of business and such other information as the board may require. The board shall have the power to designate the date of filing. The annual fee for such filing shall be set by the board in an amount not to exceed twenty-five dollars. The board shall thereupon file a duplicate of the filing in the office of the secretary of state. Each accountant filing shall be entitled to a permit from the board setting forth the fact of the annual filing, payment of the fee, and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the examination, the expenses of issuing certificates, licenses and registrations, and fees and expenses of the members of the board while performing their duties, and shall also place in the hands of the board as a working fund such sums as the governor may approve, the same to be advanced out of the fees paid into the treasury by the board. An account thereof shall be made to the state treasurer in accordance with the manual of procedures. No expenses incurred under this chapter shall be a charge against the general funds of the state.

309-A:12 Acts Declared Unlawful.

I. No person shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under RSA 309-A:3 or 6 and holds a permit issued under RSA 309-A:11 which is not revoked or suspended.

II. No person shall assume or use the title or designation "public accountant" or abbreviation "P.A.", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant unless such person has received a certificate or license issued under this chapter and holds a permit issued hereunder which is not revoked or suspended.

309-A:13 Practice of Public Accountancy. No person shall engage in the practice of public accountancy as defined in RSA 309-A:1, IV unless such person is the holder of a certificate, a license, or a registration issued by the board under this chapter. Nothing herein contained shall be con-

strued to prohibit a certified public accountant, a public accountant, or an accounting practitioner of another state from temporarily practicing accountancy in this state in the performance of professional engagements originating in such other state as an incident to his regular practice of accountancy in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

309-A:14 Practice of Public Accountancy with the Attest Function. No person shall engage in the practice of public accountancy with the attest function, as defined in RSA 309-A: 1, V, in this state unless such person is a certified public accountant or a public accountant under this chapter. Persons who are certified public accountants, or public accountants of other states, may practice public accountancy with the attest function in this state on a temporary basis in the performance of professional engagements originating in such other state as an incident to their regular practice in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

309-A:15 Exceptions. Nothing contained in this chapter shall:

I. Prohibit any person from serving as an employee of any other person, partnership, or corporation and perform accountancy functions for his employer, provided that such employee does not engage in the practice of public accountancy as defined in RSA 309-A: 1.

II. Prohibit any person from keeping sets of books or preparing tax reports for more than one employer as employee.

III. Prohibit any person from serving as an employee of or assistant to a certified public accountant or public accountant or co-partnership or corporation engaged in practice as certified public accountants or public accountants, provided that such employee or assistant shall work under the control and supervision of a certified public accountant or public accountant authorized to practice as such under this chapter.

IV. Prohibit the offering or rendering of data processing services by mechanical or electronic means, nor to the offering or rendering of services in connection with the operation, sale, lease, rental or installation of mechanical or electronic bookkeeping or data processing equipment, nor to the sale, lease, rental or installation of such equipment.

V. Prevent any national bank or banking organization subject to the supervisory jurisdiction of the bank commissioner or any bank exercising fiduciary powers or any service organization as described in RSA 384:16-b or any employee of any of such entities, from performing any act or service customarily incident to its usual bookkeeping and accounting services for itself or in relation to its customers or in the performance of its fiduciary powers and duties.

309-A:16 Revocation or Suspension of Certificate, License, Registration or Permit; and Censure. After notice and hearing as provided in RSA 309-A: 19, the board may revoke or may suspend for a period not to exceed two years any certificate, license or registration issued under this chapter; or may refuse to renew any permit issued under this chapter; or may censure the holder of any such certificate, license, registration or permit, for any one or combination of the following causes:

I. Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license as a public accountant, or in obtaining a permit to practice under this chapter.

II. Dishonesty, fraud or gross negligence in the practice of public accounting.

III. Violation of any of the provisions of RSA 309-A: 12.

IV. Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter.

V. Conviction of a felony under the laws of any state or of the United States.

VI. Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

VII. In the case of a certified public accountant, cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant by any other state, for any cause other than failure to pay an annual registration fee in such other state; and in the case of a public accountant or an accounting practitioner, cancellation, revocation, suspension or refusal to renew authority to practice by any other state, for any cause other than failure to pay an annual registration fee in such other state.

VIII. Failure of a certificate holder or license or registration holder to obtain an annual permit under RSA 309-A: 11 within either

(a) three years from the expiration date of the permit to practice last obtained or renewed by said holder, or

(b) three years from the date upon which such holder was granted his certificate, license, or registration, if no permit was ever issued to him, unless the board in its discretion determines such failure to have been due to excusable neglect.

IX. Conduct discreditable to the public accounting profession.

309-A: 17 Reinstatement. Upon application in writing and after hearing pursuant to notice, the board may issue a new certificate to a certified public accountant, or a new license or registration to any person whose certificate, license or registration shall have been revoked, or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

309-A: 18 Ownership of Accountant's Working Papers. All statements, records, schedules, working papers, and memoranda made by a certified public accountant, by a public accountant, or an accounting practitioner, incident to or in the course of professional service to clients by such accountant, except reports submitted by him to a client, shall be and remain the property of such accountant, in the absence of an express agreement between such accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum shall be sold, transferred or bequeathed, without the consent of the client or his personal representative or assignee, to anyone other than one or more surviving partners or new partners of such accountant.

309-A: 19 Proceedings. The board may initiate proceedings under this chapter on its own motion or on the complaint of any person. A written notice setting forth the nature of any charge or charges against the holder of a certificate license or registration and the time and place of hearing shall be given in hand to any such person or sent by registered or certified mail to his last known address or last place of business at least ten days before any hearing. The board or any member thereof shall have the power to subpoena witnesses and administer oaths in any proceedings or examination instituted before or conducted by it and to compel the pro-

duction of any papers or documents of any kind necessary to the purposes thereof. Witnesses summoned before the board shall be paid the same fees as witnesses summoned before the superior court and such subpoenas issued by any member of the board or by any justice of the peace shall have the same effect as though issued for appearance before the superior court. In case of disobedience to a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board shall not be bound by technical rules of evidence, but shall take testimony only under oath. A stenographic record of hearing shall be kept and a transcript thereof filed with the board. At all hearings, the attorney general, or one of his assistants, or such other legal counsel as may be employed, shall appear and represent the board. The decision of the board shall be by the majority vote thereof. The provisions of RSA 541 shall govern the procedure for rehearings and appeals on behalf of any party adversely affected by any order or decision of the board.

309-A: 20 Injunction Against Unlawful Act. Whenever in the judgment of the board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this chapter, the board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

309-A: 21 Misdemeanors; Penalty. Any person who violates any provision of RSA 309-A: 12, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned for not more than six months, or both. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts to the attorney general or other appropriate enforcement officer, who may, in his discretion, cause appropriate proceedings to be brought in the superior court.

523: 2 Repeal. RSA 309 as amended by 1963, 233 relating to the practice of accountancy is hereby repealed.

523: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 524.

AN ACT RELATIVE TO THE CONDUCT OF VOTING AT TOWN AND VILLAGE
DISTRICT MEETINGS AND SCHOOL DISTRICTS WITHIN SAID TOWN
AND RELATIVE TO THE AUTHORITY OF SCHOOL DISTRICT
MODERATORS.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

524: 1 Method of Voting. Amend RSA 40 by inserting after section 4 the following new subdivision:

Conduct of Voting [New]

40: 4-a Secret Ballot. At any meeting of a town with a population of more than five hundred, five voters may make a request in writing prior to a vote by voice vote or division vote that the vote be taken by secret written ballot. Upon receiving such a request, the moderator shall conduct the vote by secret "yes—no" ballot. At any meeting of a town of a population five hundred or less, three voters may request secret balloting as provided herein.

40: 4-b Questioning a Vote. When any vote, other than by ballot, declared by the moderator or other officer presiding shall, immediately and before any other business is begun, be questioned in writing or orally by seven or more of the voters present, the moderator or other officer presiding shall retake the vote by secret "yes—no" ballot.

524: 2 Moderator's Obligation. Amend RSA 40: 6 by striking out said section and inserting in place thereof the following:

40: 6 Penalty for Default of Presiding Officer. Any moderator or other officer presiding who shall wilfully neglect or refuse to follow the procedures for voting established in this chapter or who shall wilfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, shall be fined not more than five hundred dollars or imprisoned not more than six months.

524: 3 Repeal. RSA 40: 5 relative to polling of voters is hereby repealed.

524: 4 Village Districts. Amend RSA 52 by inserting after section 11 the following new section:

52: 11-a [New] Voting at District Meetings. Votes at district meetings shall be conducted according to the procedures established for town meetings in RSA 40: 4-a, 4-b, and 40: 6.

524: 5 Powers and Duties of Moderator. Amend RSA 197: 19 by inserting in line three after the word "order," the following (and in the conduct of a school district meeting, all the statutory duties, powers and authority granted to town moderators,) so that said section as amended shall read as follows:

197: 19 Moderator. The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and in the conduct of a school district meeting, all the statutory duties, powers and authority granted to town moderators, and may administer oaths to district officers and in the district business. In case of a vacancy or absence a moderator pro tempore may be chosen.

524: 6 Effective Date. This act shall take effect upon its passage.
[Effective date July 7, 1971.]
[Approved July 7, 1971.]

CHAPTER 525.

AN ACT RELATIVE TO COMMITMENT TO AND DISCHARGE FROM
MENTAL INSTITUTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

525:1 Periodic Review of Persons Committed. Amend RSA 135 by inserting after section 26 the following new sections:

135:26-a [New] Periodic Review of Persons Committed. Any person committed to the hospital shall be the subject of a periodic review under the direction of the superintendent which shall include but not necessarily be limited to:

- I. A thorough clinical examination,
- II. An evaluation of the legal competency of the person and the necessity or advisability of having a guardian or conservator appointed, and
- III. A consideration of all possible alternatives to continued hospitalization or residential care including but not limited to, a determination of the person's relationship to the community and to his family, or his employment possibilities, and of available community resources, foster care and convalescent facilities.

135:26-b [New] Frequency; Results. Said periodic review shall be conducted as follows:

- I. Upon admission;
- II. Once during the first three months after admission;
- III. Once during the second three months after admission;
- IV. Once during the second six months after admission; and
- V. Annually thereafter.

The superintendent shall give written notice to said person and his nearest relative or guardian prior to any review which is made subsequent to admission. The results of each review shall become part of the official record of the person reviewed. If the mentally ill person is in need of further care and treatment, the superintendent shall notify him and his nearest relative or guardian of that fact, of his right to leave the hospital if he was not committed under a court order, and of his right to request a hearing at appropriate times as provided in this chapter. If said mentally ill person was not committed under a court order and does not choose further treatment as an inpatient, within fourteen days of said notification he shall be discharged or be made the subject of a petition for a court ordered commitment.

525:2 Requirements for Conduct of Hearings for Commitment, Detention and Parole. Amend RSA 135 by inserting after section 30 the following new section:

135:30-a [New] Conduct of Hearings for Commitment, Detention or Parole. Whenever provisions of this chapter relative to the commitment, detention or parole of the mentally ill require that a hearing be conducted by the superior court then such hearing will be ordered in accordance with the following requirements:

- I. Such person shall have the right to be represented by counsel and shall have the right to present independent testimony. The court shall appoint counsel for such person whom it finds to be indigent and who is not

represented by counsel, unless such person refuses the appointment of counsel.

II. The court may provide an independent medical examination for such indigent person upon the request of his counsel or upon his own request if he is not represented by counsel.

III. The person shall be allowed no less than two days after the appearance of his counsel in which to prepare his case and a hearing shall be conducted forthwith after such period unless counsel requests a delay.

IV. Notice of the time and place of hearing shall be furnished by the court to the superintendent, the person, his counsel, and his nearest relative or guardian.

V. The person or the superintendent may request either an open or a closed hearing and the court in its discretion may grant such a request.

525: 3 Appointment of Guardian. Amend RSA 464: 1 by striking out said section and inserting in place thereof the following:

464: 1 Inquisition. Upon application of a relative or friend or the superintendent of the New Hampshire Hospital, if the person is a patient at said hospital, or of the overseers of the poor of the town where the person lives, made to the judge of probate for the county, that a guardian may be appointed over such person, the judge shall cause inquisition, with notice, to be made by three suitable persons by him appointed.

525: 4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 526.

AN ACT TO IMPROVE EMINENT DOMAIN PROCEDURE AND MAKING AN APPROPRIATION THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

526: 1 New Chapter. Amend RSA by inserting after chapter 498 the following new chapter:

CHAPTER 498-A [NEW]

EMINENT DOMAIN PROCEDURE ACT

General Provisions

498-A: 1 Intent of Chapter. It is the intent by the enactment of this chapter to provide a complete and exclusive procedure to govern all condemnations of property for public purposes and the assessment of damages therefor. It is not intended to enlarge or diminish the power of condemnation given by law to any condemnor.

498-A: 2 Definitions. The following words, when used in this chapter, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

I. "Condemn"—to take public and private property by authority of law for a public purpose;

II. "Condemnee"—the owner of record of a property interest taken, including tenants for life or years, remaindermen, reversioners and holders of undischarged mortgages of record whose mortgages are dated not earlier than twenty years prior to date of the filing of declaration of taking. This definition does not include judgment creditors or other lienholders;

III. "Condemnor"—the entity, including the state of New Hampshire, taking real property of another under authority of law for a public purpose;

IV. "Court"—the superior court of the state of New Hampshire;

V. "Property"—shall include lands, tenements and hereditaments and all rights thereto and interests therein;

VI. "Commission"—shall mean the commission created by this chapter.

Condemnation Procedure

498-A: 3 Jurisdiction and Venue. The superior court shall have exclusive jurisdiction of all condemnation proceedings. All condemnation proceedings shall be brought in the superior court of the county in which the property is located, or if the property is located in two or more counties, then in the superior court of any one of such counties. Where the property is located in two or more counties, and a proceeding is commenced in the court of one of the counties, all subsequent proceedings regarding the same property shall be brought in the same county.

498-A: 4 Preliminary Steps to Initiating Action.

I. APPRAISAL.

(a) The condemnor shall cause to be made by a qualified appraiser who is impartial of mind at least one appraisal of all property proposed to be acquired. The appraiser shall make reasonable efforts to confer with the owner or one of the owners or his personal representative.

(b) Before determining upon the amount to be offered or making the offer provided for in paragraph II of this section, the condemnor shall make reasonable efforts to negotiate with the owner personally (or one of the owners or his personal representative) for the purchase of the property, but failure to confer or negotiate shall not be a defense to condemnation of property.

II. NOTICE OF OFFER.

(a) No property shall be taken unless the condemnor shall serve upon the condemnee a written notice of offer to purchase, which shall set forth:

(1) The purpose for which the property will be taken;

(2) A description of the property and the interest therein to be taken, such description to be in the form suitable for use in a deed and to contain sources of title, if ascertainable;

(3) The date of occupancy regardless of the date of taking;

(4) The amount of compensation offered and the basis of such offer; and

(5) That an action to condemn the property in the manner provided by this chapter will be commenced if the offer is not accepted within thirty days after service of the notice.

(b) Such offer shall remain outstanding and may be accepted by the condemnee at any stage of the proceedings.

(c) The condemnor shall make public a complete list of such offers showing the name of each condemnee and the amount of the offer in each case, including the value of the property before and after the taking and the amount of the severance damages if any.

III. SERVICE OF NOTICE.

(a) The giving of such notice is a jurisdictional prerequisite to instituting condemnation proceedings. Such notice may be served by certified mail and service shall be deemed completed on the date of mailing. If the owner or the mortgagee is unknown or cannot be found after reasonable effort, such notice shall be published once in a newspaper of general circulation of the county where the property is located. If the owner is a minor or an incompetent person, the condemnor shall serve such notice upon the legal guardian of such minor or incompetent. If there is no such guardian, or if the owner is unknown, the condemnor shall petition the court in which the condemnation proceedings will be commenced and request that a guardian ad litem be appointed to represent such minor, incompetent or unknown person in the condemnation proceedings.

(b) If the offer is accepted, the transfer of title shall be accomplished within thirty days after acceptance, including payment of the considerations set forth in the offer or as agreed upon between the parties, unless such time is extended by mutual written consent by the condemnor and condemnee. In the event the owner fails to convey the property within the specified time, the condemnor may commence condemnation proceedings.

(c) If the offer is not accepted within thirty days after the service of the notice, the condemnor shall commence condemnation proceedings within ninety days after the expiration of such thirty day period.

498-A: 5 Condemnation; Passage of Title; Declaration of Taking.

I. Condemnation, under the power of condemnation given by law to a condemnor, which shall not be enlarged or diminished hereby, shall be effected only by the filing in court of a declaration of taking, with sufficient copies for giving notice as required by RSA 498-A: 8, together with such security as may be required under RSA 498-A: 6 and thereupon the title which the condemnor seeks in the property condemned shall pass to the condemnor on the date of such filing and the condemnor shall be entitled to possession as provided in RSA 498-A: 11. A declaration may include more than one parcel and multiple condemnees so long as identity of the property taken of each condemnee is readily ascertainable.

II. The declaration of taking shall be in writing and executed by the condemnor, shall be captioned as a proceeding in rem and shall contain the following:

(a) The name and address of the condemnor;

(b) A specific reference to the statute, chapter and section thereof, under which the condemnation is authorized;

(c) A specific reference to the action, whether by ordinance, resolution or otherwise, by which the declaration of taking was authorized, including the date when such action was taken, and the place where the record thereof may be examined;

(d) A brief description of the purpose of the condemnation and the need therefor;

(e) A description and plan of the property taken sufficient for the identification thereof, specifying the town, city and county wherein the property taken is located; and

(f) A statement of the nature of the title or interest acquired.

498-A: 6 Security. The court, upon preliminary objections of the condemnee under and within the time set forth in RSA 498-A: 11, may require the condemnor to give such bond and security as the court deems proper.

498-A: 7 Recording Notice of Condemnation. The condemnor, upon filing its declaration of taking, shall, within forty-eight hours thereof, record a notice of such filing in the office of the registry of deeds of the county in which the property is located. If the property is located in two or more counties, the notice shall be recorded in all such counties. The notice shall specify the court term and the date the declaration of taking was filed, and shall contain a description of the property taken from each condemnee, such description to be in the form suitable for use in a deed and to contain sources of title, if ascertainable, and plan of the property condemned sufficient for the identification thereof and the names of the condemnees with a statement of the interest taken, as reasonably known to the condemnor and shall be indexed at such registry showing the condemnee set forth in the notice as though a grantor and the condemnor as though a grantee.

498-A: 8 Notice to the Condemnee.

I. The clerk of court shall forthwith issue an order of notice to each of the condemnees in the same manner as in the case of a petition in equity with a return date not less than fourteen days from the date of filing the declaration of taking.

II. Such order of notice shall be served within or without the state of New Hampshire by any competent adult, in the same manner as service of process is served in this jurisdiction or by certified or registered mail, to the last known address of the condemnee. If service cannot be made in the manner as provided, then service shall be made by posting a copy of the notice upon the most public part of the property and by publication of a copy of the notice one time in a newspaper of general circulation published in the county.

498-A: 9 Preliminary Objections.

I. Within thirty days after the return day, any condemnee may file a motion raising preliminary objections to the declaration of taking. The court upon cause shown may extend the time for filing preliminary objection. Preliminary objection shall be limited to and shall be the exclusive method of challenging:

- (a) The sufficiency of the security;
- (b) Any other procedure followed by the condemnor; or
- (c) The declaration of taking.

II. Failure to raise any matters by preliminary objection shall constitute a waiver thereof.

III. Preliminary objection shall state specifically the grounds relied upon.

IV. All preliminary objections shall be raised at one time and in one pleading. They may be inconsistent.

V. The court shall determine promptly all preliminary objections and make such preliminary and final orders and decrees as justice shall require. If preliminary objections are finally sustained, which have the effect of finally terminating the condemnation, the condemnee shall be entitled to damages, including costs and expenses, to be determined by the commission in the manner prescribed in RSA 498-A: 24. The court may allow amendment or direct the filing of a more specific declaration of taking.

VI. The filing of a motion with respect to a particular tract included within the declaration shall not prevent nor delay the transfer by the court to the commission of matters relating to other tracts included within the declaration with respect to which no such motion has been filed.

498-A: 10 Right to Enter Property Prior to Condemnation. Prior to the time of filing of the declaration of taking, the condemnor or its employees or agents shall have the right to enter upon any land or improvement which it has the power to condemn, in order to make studies, surveys, tests, soundings and appraisals; provided, however, that the owner of the land or the party in whose name the property is assessed has been notified ten days prior to entry on the property. Any actual damages sustained by the owner of a property interest in the property entered upon by the condemnor shall be paid by the condemnor and shall be assessed by the commission in the manner provided in RSA 498-A: 24.

498-A: 11 Possession; Entry and Payment of Compensation.

I. The condemnor after the filing of the declaration of taking, and after the expiration of the time for filing preliminary objections by the condemnee to the declaration of taking, shall be entitled to possession or right of entry upon payment of the amount of just compensation to the condemnee as estimated by the condemnor. Whenever the court is satisfied that any person, whether holding under the owner or not, is preventing or obstructing the condemnor from entering upon or taking possession of the property after the condemnor is entitled to do so, it may grant such writs as it may think necessary or may proceed for contempt of court, unless preliminary objections warranting delay are pending.

II. If within sixty days from the filing of the declaration of taking the condemnor has not paid just compensation as provided in paragraph I of this section, the court upon petition of the condemnee, may compel the condemnor to file a declaration of estimated just compensation or if the condemnor fails or refuses to file such declaration, may, at the cost of the condemnor, appoint an impartial expert appraiser to estimate such just compensation. The court may, after hearing, order payment of the amount of the estimated just compensation.

498-A: 12 Abandonment of Project. If a condemnor has condemned a fee and thereafter abandons the purpose for which the property has been condemned, the condemnor may dispose of it by sale or otherwise; provided, however, that if the property has not been substantially improved, it may not be disposed of within three years of condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor. The condemnee shall be served with notice of the offer in the same manner as prescribed for the services of notices in RSA 498-A: 4, and shall have ninety days after receipt of such notice to make the written acceptance thereof.

Commission of Eminent Domain

498-A: 13 Commission Established.

I. There is hereby created the New Hampshire Commission of Eminent Domain, which shall be a tribunal of record, to be composed of three members who shall be appointed by the governor with the advice and consent of the council.

II. The term of each member shall be for five years and until his successor shall be appointed and qualified, except that in the first instance,

one member shall be appointed to serve a term of two years, one to serve a term of three years and one to serve a term of five years.

III. Members shall be and continue to be residents of the state, shall be knowledgeable in the field of real estate valuation and appraisal and at least one of their number shall be a member of the bar of this state.

IV. The chairman shall be so designated in his respective commission and shall be a member of the bar.

V. Each commissioner shall receive an annual salary as prescribed by RSA 94:1-4-a, and reasonable and necessary expenses, subject to the approval of the governor and council.

VI. A vacancy in the membership of the commission shall be filled for the unexpired term.

VII. No member of the commission shall represent a party or testify as an expert witness or render any professional service for any party or interest before the commission, and any member having an interest in the subject matter of a proceeding shall be disqualified to act therein.

498-A:14 Quorum; Acting, Temporary, and Associate Commissioners.

I. A full commission shall be required for the conduct of any business in or before the commission, unless the parties in interest shall agree to a lesser number.

II. If, due to the death, resignation, disability or removal from the state of a member or members of the commission it shall become necessary to do so, the governor and council shall appoint such number of acting commissioners as shall be necessary to meet the requirements herein imposed.

III. In the event of a disqualification or temporary disability of a member or members of the commission it shall become necessary to do so, the chairman of the commission, subject to the approval of the superior court, shall appoint such number of temporary commissioners as shall be necessary to meet the requirements herein imposed, such temporary commissioners to serve with respect to such matter until the same has been fully disposed of before the commission.

IV. Both temporary and acting commissioners shall have the same qualifications as regular commissioners in whose place they are acting.

V. An acting commissioner shall be entitled to compensation for his services and to reimbursement for his necessary and reasonable expenses as is a regular member of the commission.

VI. A temporary commissioner shall be compensated at the rate of seventy-five dollars for each day devoted to the work of the commission and shall be reimbursed the necessary and reasonable expenses incurred by him in the performance of his duties.

498-A:15 Clerk; Staff. The commission shall have a clerk who shall be appointed by the commission and shall serve at its pleasure and shall receive such annual salary as prescribed by RSA 94:1-4-a. In the exercise of the authority and performance of the duties prescribed by law, the commission shall have the authority, within the limits of the appropriation for such purposes, to employ such other staff as it shall deem necessary.

498-A:16 Offices; Hearings. The commission shall be provided with suitable office space in Concord, together with such furnishings and office equipment as shall be necessary for the administration of its business. All hearings before the commission shall be open to the public, and each hearing shall be held in the county in which the declaration has been filed

unless the parties agree to hearing elsewhere. To the extent of available space, hearings shall be conducted in the respective county court houses; otherwise, in such place or places, accessible to the public, as the commission shall direct.

498-A:17 Rules. Subject to the approval of the superior court, the commission shall have power to adopt and publish rules to govern its proceedings.

498-A:18 Powers of Commission. The commission and each of its members shall have the power to administer oaths and affirmations, to compel the attendance of witnesses, the production of books and documents and to adjourn proceedings from time to time.

498-A:19 View; Technical Rules not Controlling; Burden of Proof. The commission in any case may, and at the request of a party shall, take a view of the premises, the subject of a declaration of taking. In any hearing before the commission, the commission shall not be bound by the technical rules of evidence and may, in its discretion, admit all testimony having reasonable probative value on the issue of just compensation. Issues of fact shall be determined upon the balance of probabilities and the burden of proof shall be upon the condemnor.

498-A:20 Record. The commission shall cause an accurate record of its hearings to be made.

498-A:21 Allocation of Commission Expenses.

I. The commission shall keep an accurate record of its cost of operation, including the salaries and expenses of the commissioners and commission personnel, and shall determine the portion thereof attributable to each condemnor having proceedings before the commission.

II. Immediately after the close of each fiscal year, the commission shall certify to the state treasurer the amount attributable to each such condemnor with respect to such fiscal year, and the state treasurer shall thereupon bill to and collect the same from each of the condemnors, except the department of public works and highways for proceedings involving land purchases utilizing highway funds.

III. Funds collected pursuant to paragraph II shall be disposed of as follows:

(a) There shall be transferred to the highway fund the sum, if any, remaining after the amount of the commission's expenses attributable to proceedings involving land purchases utilizing highway funds is subtracted from the total amount transferred from the highway fund for the use of the commission;

(b) Any balance remaining after the transfer provided for in (a) above shall be deposited in the general fund.

IV. In the event the expenses of the commission attributable to proceedings involving land purchases utilizing highway funds exceed the amount appropriated from highway funds for the expenses of the commission such excess shall be transferred from the highway fund to the general fund and all funds collected pursuant to paragraph II shall be deposited in the general fund.

498-A:22 State Agencies. With respect to any state agency, the expenses billed by the state treasurer to each of said agencies may be a charge against the funds appropriated to the agency for the purchase of

the parcel or parcels of land involved in the proceedings before the commission.

Determination of Just Compensation

498-A: 23 Procedure Established; Guardian Ad Litem. Upon the determination of preliminary objections, if any have been filed under the provisions of RSA 498-A: 9, or, if no such objections have been filed, then upon the expiration of sixty days after the filing of the declaration of taking, the court shall assign the matter to the commission for a determination of the amount of compensation to be paid to the condemnee. The order of assignment shall be accompanied by the declaration of taking and attachments thereto as originally filed, a copy of which shall be retained by the court. The commission, on its own motion may, or on petition of any party in interest shall, request the appointment of a guardian ad litem to represent the interest of minors, persons under disability, unborn or unascertained parties or parties whose whereabouts are unknown.

498-A: 24 Commission Action. Upon receipt of an order of assignment, the commission shall forthwith fix a time for hearing the parties on the issue of just compensation, and shall give notice thereof to all persons named in the declaration of taking as condemnor and as condemnee, and as otherwise directed by the court. Such service shall be made in the manner as prescribed in RSA 498-A: 4, and shall be given at least thirty days prior to the date set for the hearing. The commission may, after notice to all parties, upon its own motion or motion of any party, make such order for consolidation of any of the cases pending before it as justice and convenience requires.

498-A: 25 Method of Determination. The commission shall proceed to a determination of just compensation and shall hear evidence in that regard offered by the parties. The commission shall first determine total compensation to be awarded on account of the taking and if there be more than one person entitled to compensation, the award shall be apportioned among such persons, to each his proportionate share of the total compensation so found.

498-A: 26 Report of Commission.

I. Upon the conclusion of its deliberations, the commission shall promptly file its report with the court and send a copy thereof to each party or to their attorneys of record.

II. The report shall include:

- (a) A statement of the case;
- (b) The nature of the property and interests taken;
- (c) A schedule of special benefits, if any, found;
- (d) A schedule of compensation awarded and the portion thereof payable to each condemnee; and
- (e) Such other matters as the commission shall deem relevant.

498-A: 27 Appeal on Damages. Any party, condemnee or condemnor, aggrieved by the amount of compensation awarded by the commission may, within sixty days after the filing of the report of the commission and not afterwards (unless for good cause shown the superior court extends such time), file in the superior court a petition to have the damages reassessed, and the court shall assess the damages by jury, or by the court without jury if jury trial is waived, and award costs to the prevailing party.

The trial in such case shall be de novo. If the sum of estimated just compensation paid to the condemnee pursuant to RSA 498-A:11 exceeds the amount of final judgment, the court shall enter judgment against the condemnee for the amount so paid to him in excess of final judgment.

498-A:28 Review. There shall be a right of review in every condemnation cause from the final judgment of the superior court to the supreme court in the manner provided for review of any other final judgment of the superior court.

498-A:29 Repeals. All acts or portions of acts inconsistent herewith are hereby repealed.

498-A:30 Effective Date. This act shall apply to all condemnation proceedings commenced on and after January 1, 1972, provided that the parties to any condemnation proceeding commenced prior to such date may by mutual agreement proceed under the terms and provisions of this chapter.

526:2 Compensation. Amend RSA 94:1-a (supp) as amended by inserting in proper alphabetical order the lines reading as follows:

Eminent domain commission, chairman	\$15,226	\$17,129
Eminent domain commissioners (2)	14,591	16,494
Eminent domain commission, clerk		10,000

526:3 Appropriation. There is hereby appropriated the sum of eighty-five thousand dollars for fiscal 1971-72 for permanent personnel, equipment and other expenses in connection with the commission of eminent domain and the sum of one hundred twenty-five thousand dollars for the same purposes for fiscal 1972-73. The governor is authorized to draw his warrant for said sums, ninety percent of which shall be a charge against the highway fund and ten percent of which shall be out of any monies not otherwise appropriated.

526:4 Lay Out of Class I and II Highways. Amend RSA 233:11 by striking out in lines three and four the words "and their assessment of the damages sustained by each owner of land or other property taken," so that said section as amended shall read as follows:

233:11 Return. The commission shall make a return of the highway or any alteration by them laid out, describing the same and the width thereof, and cause the same to be filed with the secretary of state, and file a copy of such return with the clerk of the city or town in which such highway or alteration is laid out.

526:5 Lay Out of Class IV, V, VI Highways. Amend RSA 234:13 by striking out in lines three and four the words "and their assessment of the damages sustained by each owner of land or other property taken," so that said section as amended shall read as follows:

234:13 Return. They shall make a return of the highway or any alteration by them laid out, describing the same and the width thereof, and cause the same to be recorded by the town clerk.

526:6 Effective Date. The sections and portions of this act shall take effect as follows:

I. On July 1, 1971: RSA 498-A:13 through 28 as inserted by section 1; and sections 2, 3, 4, and 5.

II. On January 1, 1972 all other portions of this act.

[Approved July 7, 1971.]

[Effective date. I. July 1, 1971: RSA 498-A: 13 through 28 as inserted by section 1; and sections 2, 3, 4, and 5, II. On January 1, 1972 all other portions of this act.]

CHAPTER 527.

AN ACT AUTHORIZING THE INSURANCE COMMISSIONER TO EXCEPT
CERTAIN SECURITIES FROM RSA 421.

Be it Enacted by the Senate and House of Representatives in General Court convened:

527:1 Securities. Amend RSA 421: 2 by striking out said section and inserting in place thereof the following:

421:2 Securities. Securities shall include all classes of stocks and shares, bonds, debentures, evidences of indebtedness and certificates of participation, certificates of warehousement, rights and interests in land from which petroleum or minerals are, or are intended to be, produced, ship shares and investment contracts in the form of a bill of sale, or any similar device, and contracts of service or advice relating to investments, or membership in organizations or associations purporting to render such service or advice. In such instances, and on such terms and conditions, as the commissioner determines to be in the public interest, contracts between nonprofit corporations rendering service or advice relating to investments to organizations organized and operated exclusively for educational, charitable, or related purposes (hereinafter collectively called "educational or related organizations"), memberships of such educational or related organizations in such nonprofit corporations and certificates or other evidence of participation by such educational or related organizations in common funds sponsored, supervised or operated by such nonprofit corporations shall be excluded from the definition of "securities" as used herein and may lawfully be entered into, offered, accepted, given, sold, purchased and acquired, provided, however, that nothing in this or the preceding sentence shall deprive any state agency or official of any jurisdiction now or hereafter existing with respect to matters involving such nonprofit corporations or educational or related organizations.

527:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 528.

AN ACT PERMITTING LOCAL VOTES ON THE QUESTION OF SUNDAY SALES TO BE BY SPECIAL ELECTIONS AND PERMITTING RUNNING HORSE AND HARNESS HORSE RACING AND DOG RACING AFTER NOON ON SUNDAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

528:1 Action at Special Election for Certain Towns. Amend RSA 578:5 (supp) as amended by striking out said section and inserting in place thereof the following:

578:5 Exceptions. Nothing in this chapter shall prevent the selectmen of any town, or the city council of any city, from adopting by-laws and ordinances permitting and regulating retail business, plays, games, sports, and exhibitions on the Lord's Day, provided such by-laws and ordinances are approved by a majority vote of the legal voters present and voting at the next regular election. In towns of over twenty thousand said approval may be obtained at a special election held before the regular election. But no such by-laws or ordinances shall permit public dancing on the Lord's Day after 1 a.m., or prize fights at any time on the Lord's Day, or the games of baseball, hockey, or football, or any games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, to be held earlier than one o'clock in the afternoon, or the opening of theatrical or vaudeville performances or motion pictures earlier than two o'clock in the afternoon.

528:2 Horse Racing Permitted on Sundays. Amend RSA 578 by inserting after section 4 the following new section:

578:4-a [New] Sunday Racing Exempted. No provision of this subdivision shall prohibit or authorize the prohibition of running or harness horse racing meets or dog racing meets on Sunday after midday and no action shall be required because of the provisions of this subdivision by the selectmen of a town or the city council of a city or a town meeting to permit any such meet.

528:3 Effective Date. This act shall take effect upon its passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 529.

AN ACT REQUIRING CERTAIN DISTRICT COURTS TO HOLD REGULAR SESSIONS IN CERTAIN TOWNS WITHIN THEIR DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

529:1 Sessions. Amend RSA 502-A:2 as inserted by 1963, 331:1 by striking out said section and inserting in place thereof the following:

502-A:2 Sessions In Towns Within District. The purpose of the establishment of this system of district courts is to provide the minimum number

of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, the justice or special justice of each district shall hold sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district. District courts are hereby directed to hold regular sessions in the towns as set forth in the following table:

<i>District Court</i>	<i>Towns</i>
Exeter	Newmarket
	Northwood
Auburn	Farmington
Rochester	Meredith
Laconia	Alton
Concord	Pittsfield
Nashua	Pelham
Milford	Wilton
Keene	Hinsdale
	Walpole
Claremont	Charlestown
Lebanon	Canaan
Littleton	Bethlehem
Plymouth	Bristol
Lancaster	Northumberland
	(Groveton)
Merrimack	Bedford

Sessions of district courts shall be held not less than one day a week in each of the towns listed above. The district courts enumerated above shall commence holding sessions as provided herein when the municipal courts in said towns are abolished as provided in RSA 502-A: 35. It shall be the duty of the town in which the municipal court is located to continue to maintain the court room in which sessions of the district court are to be held under the same terms and conditions as provided in RSA 502-A: 31. No provision of this section shall be construed to prevent any district court from holding sessions in other localities within the district where justice and the convenience of the parties may so require. However, if regular sessions of a district court are to be held in such localities such sessions shall be authorized by the administrative committee.

529: 2 Payments. Amend RSA 502-A by inserting after section 2 the following new section:

502-A: 2-a [New] Reimbursement to Towns. Clerks of each district court enumerated in the preceding section shall keep a record of the total number of cases disposed of during the preceding calendar year in each town listed above in which such enumerated district court is directed to hold regular sessions, and shall, with the approval of the justice, during the month of January in each year reimburse the treasurer of each such listed town for said town's expenses in the maintenance and repair of said town's courtroom facility which is used by the district court at a rate of

four dollars for each case so disposed of during the preceding calendar year.

529:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 530.

AN ACT ADOPTING THE UNIFORM ACT ON PATERNITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

530:1 New Chapter. Amend RSA by inserting after chapter 168 the following new chapter:

CHAPTER 168-A [NEW]

UNIFORM ACT ON PATERNITY

168-A:1 Obligations of the Father. The father of a child which is or may be born out of wedlock is liable to the same extent as the father of a child born in wedlock, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement and for the education and necessary support of the child. A child born out of wedlock includes a child born to a married woman by a man other than her husband.

168-A:2 Enforcement. Paternity may be determined upon the petition of the mother, child, or the public authority chargeable by law with the support of the child. If paternity has been determined, the liabilities of the father may be enforced in the same or other proceedings (1) by the mother, child, or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education or necessary support, and (2) by other persons including private agencies to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education or necessary support.

168-A:3 Limitations on Recovery from Father's Estate. The obligation of the estate of the father for liabilities under this chapter is limited to amounts accrued prior to his death and such sums as may be payable for dependence under other laws.

168-A:4 Remedies. The superior court has jurisdiction of a proceeding under this chapter and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education or necessary support for legitimate children apply. Upon the prayer of the petitioner the court shall schedule an immediate hearing, as in the cases of prayers for temporary relief in divorce and legal separation proceedings, on the issue of whether, and how much, the alleged father of the child in question shall be required to post in advance as security for the payment of maternity and other expenses for which he may ultimately be held liable under this chapter. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All

remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under this chapter.

168-A: 5 Time of Trial. If the issue of paternity is raised in a proceeding commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage but during such delay testimony may be perpetuated according to the laws of this state.

168-A: 6 Judgment. Judgments under this chapter may be for periodic payments which may vary in amount. The court may order payments to be made to the mother or to some person, corporation, or agency designated to administer them under the supervision of the court.

168-A: 7 Security. The court may require the alleged father to give bond or other security for the payment of the judgment.

168-A: 8 Settlement Agreements. An agreement of settlement with the alleged father is binding only when approved by the court.

168-A: 9 Venue. A proceeding under this chapter may be brought in the county where the alleged father is present or has property or in the county where the mother resides.

168-A: 10 Uniformity of Interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

168-A: 11 Short Title. This chapter may be cited as the Uniform Act on Paternity.

168-A: 12 Statute of Limitations. No proceeding under this chapter shall be maintained unless commenced within one year of the date of birth of the child in question.

530: 2 Repeal; Saving Clause. RSA 168, relating to the maintenance of bastard children, is hereby repealed, provided that any action commenced under the provisions of RSA 168 prior to the effective date of this act shall not be extinguished, and shall be adjudicated pursuant to the provisions of that chapter.

530: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 531.

AN ACT RELATIVE TO REPORTING NEGLECTED AND ABUSED CHILDREN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

531:1 Clarifying Provisions as to Neglected and Abused Children. Amend RSA 571: 25 (supp) as inserted by 1965, 193: 1 and amended by 1967, 194: 1 by striking out said section and inserting in place thereof the following new sections:

571:25 Purpose. The purpose of this subdivision is to provide for the protection and welfare of neglected children and abused children who have had physical injury inflicted upon them and who may be further threatened by the conduct of those responsible for their care and protection. Any person who becomes aware of such cases shall report them to the bureau of child and family services of the division of welfare of the department of health and welfare which shall immediately investigate such cases and if necessary report them to the appropriate police authority, thereby causing the social and protective services of the state to be brought to bear in an effort to protect the health and welfare of these children, prevent further neglect or abuse of these children and to strengthen the family life whenever possible.

571:25-a [New] Definitions. An abused child under this subdivision shall mean:

I. Any child under the age of eighteen who has had physical injury or injuries inflicted upon him, by other than accidental means, by a parent or any other person.

II. A "neglected child" as defined in RSA 169:2, I, provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under any provisions of this act.

571:25-b [New] Evidence of Abuse. Abuse may be evidenced by but shall not be limited to evidence of an injury or injuries such as malnutrition, sexual molestation, burns, fracture of any bone, bleeding, subdural hematoma, soft tissue swelling, contusion, abrasion, and death in cases where such death appears to be other than by accidental means.

531:2 Manner of Report. Amend RSA 571:26 (supp) as inserted by 1965, 193:1 and amended by 1967, 194:1 by striking out said section and inserting in place thereof the following:

571:26 Reports. Any person having reason to suspect that a child under the age of eighteen has been neglected or abused, shall report the same in accordance with this subdivision; provided that when the attendance of a physician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this subdivision.

531:3 Nature of Report. Amend RSA 571:27 (supp) as inserted by 1965, 193:1 and amended by 1967, 194:1 by striking out said section and inserting in place thereof the following:

571:27 Nature and Content of Report; To Whom Made. An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as possible by a report in writing, to the bureau of child and family services of the division of welfare of the department of health and welfare, which shall immediately investigate the matter, and if necessary notify an appropriate police authority. Such reports shall contain the name and address of the neglected or abused child, and the parents or persons caring for such child, the evidence indicating neglect or the nature and extent of the child's injuries (including any evidence of previous inju-

ries), any other information that might be helpful in establishing neglect or abuse, and the identity of the person or persons responsible for such neglect or abuse.

531:4 Registration of Cases of Abuse. Amend RSA 571 by inserting after section 29 the following new section:

571:29-a [New] Registry. There shall be established a state registry of abuse in the division of welfare for the purpose of maintaining a record of information on each case of alleged abuse reported under this chapter. The registry shall be confidential and subject to rules and regulations as to access established by the division.

531:5 Penalty. Amend RSA 571:30 (supp) as inserted by 1965, 193:1 and amended by 1967, 194:1 by striking out said section and inserting in place thereof the following:

571:30 Penalty for Violation. Anyone who knowingly violates any provision of this subdivision shall be fined not less than two hundred dollars or not more than five hundred dollars.

531:6 Effective Date. This act shall take effect upon its passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 532.

AN ACT TO PROHIBIT INDIVIDUALS FROM SOLICITING RIDES OR BUSINESS ON OR IN PROXIMITY TO THE TRAVELED PORTION OF A STREET OR HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

532:1 Soliciting Rides. Amend RSA 262-A:38, I, as inserted by 1963, 330:1 by striking out in line one the word "traveled" and inserting in place thereof the word (paved) so that said paragraph as amended shall read as follows:

I. No person shall stand in a paved portion of the roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

532:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 533.

AN ACT RELATIVE TO THE ALTERATION AND CONSTRUCTION OF
ODOMETERS AND THE PROTECTION OF MOTOR VEHICLE
PURCHASERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

533:1 Readjustment of Speedometer or Odometer. Amend RSA 260 by inserting after section 90 the following new subdivision:

Regulation of Odometers [New]

260:91 Misrepresentation and Certification of Mileage. Any person who changes, tampers with or defaces, or who attempts to change, tamper with or deface, any gauge, dial, or other mechanical instrument, commonly known as an odometer or an hour meter in a motor vehicle, highway building appliance, snowmobile or boat, which, under normal circumstances and without being changed, tampered with or defaced, is designed to show by numbers or words the distance which the motor vehicle, highway building appliance, snowmobile or boat has traveled or the use sustained with the intention of misrepresenting to a prospective or eventual purchaser the number of miles traveled or the use sustained by said motor vehicle, highway building appliance, snowmobile or boat, shall be punished pursuant to the provisions of RSA 260:92. Actual mileage will be certified by the previous owner to the best of his knowledge at the time of sale, trade or other type of transaction resulting in an assignment of title of the vehicle by an entry on the certificate of title or the application for a title if a certificate of title is required, or if no certificate of title is required by a notarized statement signed by the seller.

260:92 Penalty. Any person who violates the provisions of RSA 260:91 shall be fined not more than one hundred dollars or imprisoned not more than six months or both for a first offense, and fined not more than five hundred dollars or imprisoned not more than three years, or both, for a subsequent offense.

260:93 Standards For Odometers. On and after January 1, 1972 no passenger motor vehicle designated as a 1972 or later model which is manufactured after January 1, 1972 shall be registered in this state unless it is equipped with a tamper-resistant odometer designed with the intent to reduce the likelihood of unlawful tampering with the mileage reading thereon. The director of motor vehicles may make regulations establishing standards for such devices, which standards shall be consistent with provisions of federal law, if any, relating thereto. The director of motor vehicles shall not require, as a condition precedent to the initial sale of a vehicle, the inspection, certification or other approval of such odometer if such device or equipment has been certified, by the manufacturer as complying with federal or state law or regulation.

533:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 534.

AN ACT AUTHORIZING THE INDUSTRIAL DEVELOPMENT AUTHORITY TO
LOAN MONEY OR GUARANTEE LOANS FOR THE ACQUISITION OF
RAILROAD LINES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

534:1 Industrial Development Authority. Amend RSA 162-A:2, as amended, by inserting after paragraph (6) the following new paragraphs:

(7) The words "railroad line" shall mean real property and easements and interests in real property of any kind or nature comprising railroad rights of way, and shall include all rails, ties, ballast, bridges, structures, switches, signals, interlockers and other fixtures ordinarily appurtenant to the right of way.

(8) The words "railroad lines within this state which have been abandoned or discontinued" shall mean railroad lines lying within the borders of the state as to which a certificate of public convenience and necessity or its equivalent authorizing abandonment has been issued by the interstate commerce commission pursuant to 49 U.S.C. § 1(18) or other pertinent statute, or issued by any state agency having relevant jurisdiction.

(9) The words "railroad lines within this state sought to be abandoned or discontinued" shall mean railroad lines lying within the borders of the state as to which a petition seeking permission to abandon has been filed pursuant to 49 U.S.C. § 1(18) or other pertinent statute, or issued pursuant to applicable state statutes.

534:2 Loan Authority. Amend RSA 162-A, as amended, by inserting after section 7-b, as inserted by 1967, 369:1, the following new sections:

162-A:7-c [New] Loans for Acquisition of Railroad Lines. The authority may loan or expend funds, upon terms and conditions prescribed by the authority, to any local or regional development corporation, association or foundation, or to any other person or entity duly organized under the laws of this state for the purpose of acquiring railroad lines located within this state which are discontinued or abandoned or about to be discontinued or abandoned in order to provide adequate transportation facilities in the form of continued operation of railroads conducive to orderly industrial and recreational development in the best interests of the state. The security for said loan or expenditure of funds shall be in such form and amount as determined by the authority and shall include in each instance the property being acquired pursuant to this section. Any loan or expenditure of funds under this section shall be deemed to be a project subject to the approval of governor and council as provided in RSA 162-A:8.

162-A:7-d [New] Guaranty of First Mortgage Loans for Acquisition of Railroad Lines. Upon recommendation of the authority for the proper implementation of the declared purposes of section 7-c, the governor, with the advice and consent of the council, is authorized in the name of the state to guarantee payment of a portion of first mortgages on railroad lines acquired by a local or regional development corporation, association or foundation, or any other person or entity duly organized under the laws of this state, of railroad lines within this state which may have been abandoned or discontinued or sought to be abandoned or discontinued.

534:3 Mortgage Guarantee. Amend RSA 162-A:14-a, as amended, by striking out said section and inserting the following new section:

162-A:14-a Guaranty of First Mortgages. Upon recommendation of the authority for the proper implementation of the declared purposes of this act, the governor, with the advice and consent of the council, is authorized in the name of the state to guarantee payment of a portion of first mortgages on industrial real property and railroad lines, railroad lines within this state which have been abandoned or discontinued and railroad lines within this state sought to be abandoned or discontinued, within the limitations hereinafter described:

I. The mortgage indebtedness shall not exceed the current appraised value of the secured realty, including land and buildings, or of the secured railroad lines.

II. The guaranty at any given time shall not exceed fifty per cent of the outstanding balance of any mortgage loan and may be set at less than fifty per cent upon the recommendation of the authority.

III. No guarantee upon a first mortgage upon any industrial real property or upon railroad lines shall exceed five million dollars.

IV. The authority shall charge for said guaranty not less than one per cent per annum of the amount to which said guaranty is applicable.

V. No mortgage of industrial real property or of railroad lines which does not by its terms require full payment of both principal and interest within twenty-five years from the date of execution of said mortgage shall be eligible for any state guarantee in whole or in part.

VI. The obligation of the state under the provisions of this section shall at no time exceed the amount of seventeen million dollars, of which amount not more than fifteen million dollars shall be in connection with industrial projects or railroad lines and not more than two million dollars shall be in connection with projects for recreational facilities.

534:4 Approval Requirements. Amend RSA 162-A:14-b, as amended, by striking out said section and inserting the following new section:

162-A:14-b Approval of Projects for Guaranty. Said industrial development authority in recommending any state guaranty under the provisions of sections 7-d, 14-a and 14-aa shall submit to the governor and council a report including a detailed description and plan of the railroad line or of the industrial real property and machinery and equipment upon which the guaranty is requested. The governor and council upon receiving such report shall determine whether the proposed guaranty will be of public use and benefit, in accordance with the declaration of need and purpose of this chapter as set forth in section 1.

534:5 State Guaranty. Amend RSA 162-A:14-c, as amended, by striking out said section and inserting the following new section:

162-A:14-c Faith and Credit Pledged. The full faith and credit of the state shall be pledged for the performance of any guaranty under the provisions of sections 7-d, 14-a and 14-aa.

534:6 Effective Date. This act shall take effect upon passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 535.

AN ACT TO PROVIDE THAT NEW HAMPSHIRE RESIDENTS SIXTY-EIGHT YEARS OF AGE OR OVER SHALL RECEIVE FREE LIFETIME HUNTING AND FISHING LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

535:1 Hunting and Fishing Licenses. Amend RSA 214:7-a as inserted by 1959, 254:1 and amended by 1963, 78:1 by striking out in line two the word "seventy" and inserting in place thereof the words (sixty-eight) so that said section as amended shall read as follows:

214:7-a Persons Over Sixty-eight Years of Age. Any resident of this state who is sixty-eight years of age or over may make application, to any authorized agent of the state for the sale of fishing and hunting licenses, for a special license to fish and hunt, under the restrictions of this title. Such license shall be marked in such manner as the director may designate and there shall be no fee for such license. Such license shall be effective for said resident during the remainder of his life, unless sooner suspended or revoked.

535:2 Effective Date. This act shall take effect January 1, 1972.

[Approved July 7, 1971.]

[Effective date January 1, 1972.]

CHAPTER 536.

AN ACT RELATIVE TO THE SWEEPSTAKES COMMISSION.

WHEREAS, the sweepstakes commission desires to sell fifty cent tickets with weekly drawings, and

WHEREAS, it wishes to commence sales of these tickets as quickly as possible to achieve maximum revenue during the tourist season, and

WHEREAS, certain changes in the sweepstakes law will enable the commission to more effectively achieve its objectives.

Be it Enacted by the Senate and House of Representatives in General Court convened:

536:1 Sale by Automatic Machines. Amend RSA 284:21-h, II, (b) (supp) as amended by inserting at the end of said subparagraph the words (or through automatic ticket dispensing machines) so that said subparagraph as amended shall read as follows:

(b) May be sold by the sweepstakes commission in the following locations: Branch offices of the commission, to be established at the information area adjacent to the Hampton toll station and the Hooksett toll station, and commission's office in Concord. Each branch office at the Hooksett and Hampton toll stations will be in a new building to be constructed by the department of public works and highways in accordance with their design and specifications. The sweepstakes commission is hereby authorized to contract with the department of public works and highways for the construc-

tion of these buildings, the cost of which will be a charge against sweepstakes revenue. Tickets sold at any of the locations provided for by this subparagraph shall be sold only by sweepstakes commission employees or through automatic ticket dispensing machines.

536:2 Increasing Authorized Sales Outlets, and Establishing a Maximum Commission for the Sale of Tickets. Amend RSA 284: 21-h, II, (d) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(d) May be sold by or for the sweepstakes commission in the following locations: Such hotels, motels, business and industrial establishments, local fairs, private clubs and mobile units, as are approved by the commission, provided, however, that all sales from mobile units shall be only by employees of the commission. Sales at all the above locations shall be subject to rules and regulations established by the commission, and provided, however, that the voters of the cities or towns in which the respective sales outlets are located have signified their approval of the sale of sweepstakes tickets in said cities or towns in the biennial election in November 1970 or pursuant to RSA 284: 21-k. Tickets may be sold only in such of these locations as desire to cooperate. The commission shall pay for the sale of tickets a sum not to exceed five percent at state liquor stores and private outlets. This percentage will apply for all tickets sold for the commission.

536:3 Reducing Time for Claiming Prizes. Amend RSA 284: 21-q, as amended, by striking out said section and inserting in place thereof the following:

284: 21-q Unclaimed Prize Money. The sweepstakes commission shall hold unclaimed prize money on a winning ticket for one year after the prize money is awarded. If there is no claim to the money during the one year, or if the sweepstakes commission is unable to locate the holder of a winning ticket during the one year, the sweepstakes commission shall pay the money to the state treasurer at the end of the one year. The state treasurer shall deposit the money into the special fund set up under 21-j of this chapter. A person who has a claim on the prize money after the money has been paid to the treasurer shall make his claim to the legislature for payment.

536:4 Winnings Tax Exempt. Amend RSA 284 by inserting after section 21-q the following new section:

284: 21-r [New] Winnings Tax Exempt. Notwithstanding any other provisions of law to the contrary a recipient of any money or prize awarded pursuant to the provisions of RSA 284: 21-i shall be exempt from any tax imposed thereon, by the state of New Hampshire.

536:5 Additional Appropriation for the Sweepstakes Commission. Upon the request of the sweepstakes commission, the governor and council is hereby authorized and empowered, upon a finding by them that the sums appropriated to the commission for the biennium ending June 30, 1973 are insufficient at any time or times during said biennium to pay for its operations because of the additional expenses of carrying out weekly lotteries based on the sale of fifty cent chances, to authorize and empower the commission to expend from any moneys received by it such additional sums as

are needed to pay for its operations and the sums so authorized are hereby appropriated for said purposes.

536: 6 Effective Date. This act shall take effect upon its passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 537.

AN ACT RELATIVE TO CHANGING UNSECURED LOAN LIMITATIONS OF BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS OR SAVINGS AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

537:1 Unsecured Loans. Amend RSA 393:15-a, III (supp) as inserted by 1955, 140:1 and amended by 1957, 194:1; 1967, 205:1 and 1969, 128:1 by striking out said paragraph and inserting in place thereof the following:

III. In loans, with or without security, for any purpose, provided that no such loan to any one person shall exceed five thousand dollars, such loan to be repayable on demand or in regular monthly installments within a period of five years, however, if the indebtedness is incurred for the purpose of mobile home financing and the mobile home is taken as security, such loan for a new mobile home unit shall not exceed ten thousand dollars and such loan shall be repayable in regular monthly installments within a period of twelve years, and such loan for a used mobile home unit shall not exceed seventy-five hundred dollars and such loan shall be repayable in regular monthly installments within a period of eight years. However, no mobile home unit loan shall exceed seventy-five percent of the fair retail value, except that with dealer recourse such loan may exceed seventy-five percent but not eighty-five percent of the fair retail value of the mobile home unit. An association which takes under this paragraph a note payable on demand shall demand payment of said note not later than one year from the date thereof, but may accept a new note in payment of such demand note. A loan association or cooperative bank may make mobile home loans insured or guaranteed by the Federal Housing Administration or the Veterans Administration. However, the limitations of this paragraph relating to the amount of such financing may be exceeded provided that the loan shall be fully insured or fully guaranteed by the Federal Housing Administration or the Veterans Administration to the extent of the amount of the loan in excess of said limitations.

537:2 Loans Secured by Mobile Homes. Amend RSA 387:5 as amended by inserting after paragraph III-b the following new paragraph:

III-c. Loans secured by mobile homes, provided that a loan for a new mobile home unit shall not exceed ten thousand dollars and such loan shall be repayable in regular monthly installments within a period of twelve years and a loan for a used mobile home unit shall not exceed seven thousand five hundred dollars and such loan shall be repayable in regular monthly installments within a period of eight years.

Provided further that no loan for a mobile home shall exceed seventy-five percent of the fair retail value, except that with dealer recourse such

loan may exceed seventy-five percent but not eighty-five percent of the fair retail value.

537:3 Investments of Deposits. Amend RSA 387:3 as amended by inserting after paragraph III the following new paragraph:

III-a. Not exceeding five percent of deposits shall be invested in the class of collateral described in paragraph III-c of section 5.

537:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 538.

AN ACT TO RECLASSIFY A CERTAIN SECTION OF HIGHWAY IN THE
TOWN OF SUTTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

538:1 Class II Highway in Sutton. After the effective date of this act, the 1.1 miles of Class II Highway in the town of Sutton known as Old North Road, beginning from exit 10 on N.H. Route I-89 southeast to the entrance of the Kearsarge Regional High School is classified as a Class V Highway.

538:2 Effective Date. This act shall take effect sixty days after passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 539.

AN ACT TO IMPROVE THE ADMINISTRATION OF AND INCREASING
BENEFITS UNDER THE WORKMEN'S COMPENSATION LAW AND
RELATIVE TO THE RIGHTS OF PARTIES TO BE HEARD
IN UNEMPLOYMENT COMPENSATION CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

539:1 Decrease of Exemptions. Amend RSA 281:2, I (supp) as amended, by striking out in line six the word "five" and inserting in place thereof the word (two) so that said paragraph as amended shall read as follows:

I. Employer, with respect to private employment, means a person, partnership, association, corporation and the legal representative of a person, partnership, association or corporation, who employs one or more persons, whether in one or more trades, businesses, professions or occupations and whether in one or more locations except casual employees, farm labor when not more than two persons are employed, and domestic service, provided, however, that the owner of a dwelling house having not more than three

apartments and who resides therein, or the occupant of a dwelling house of another, who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or structures appurtenant thereto, shall not because of such employment be deemed to be an employer. In determining the number of persons employed there shall be included persons whose contract of employment was entered into outside the state, if they are actually employed on work in this state. For the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and bylaws of a corporation shall not be considered to be employees, except that such executive officers in excess of three shall be counted as employees. Any other employer may elect to accept the provisions of this chapter in accordance with RSA 281: 3.

539: 2 Assessment of Civil Penalty Against Employer Failing to Comply. Amend RSA 281: 10, as amended, by striking out said section and inserting in place thereof the following:

281: 10 Liability of Employer Failing to Comply.

I. An employer subject to this chapter who fails to comply with the provisions of RSA 281: 9 by not securing payment of compensation shall be assessed a civil penalty of ten dollars for each day of noncompliance beginning on the date of written notification by the labor commissioner. An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as defined by regulation shall be assessed a civil penalty of ten dollars for each day of noncompliance beginning on the date of said commissioner's written notification to the carrier. The commissioner shall deposit all moneys collected by him under this section with the state treasurer.

II. An employee of an employer failing to comply with the provisions of RSA 281: 9, or dependents in case death ensues, may file his application with the labor commissioner for compensation in accordance with the terms of this chapter, and the commissioner shall hear and determine such application for compensation in like manner as in other claims before him; and the compensation so determined shall be paid by such employer to the person entitled thereto no later than ten days, excluding Sundays and holidays, after receiving notice of the amount thereof as fixed and determined by the commissioner. An abstract of the award shall be filed by the commissioner in the office of the clerk of the superior court in any county in the state and shall be docketed in the judgment docket thereof and shall be a lien upon the property of the employer situated in the county for a period of eight years from the date of award; the commissioner shall instruct the sheriff of the county to levy execution as soon as possible thereafter, but no later than eight years, in the same manner and with like effect as if his award were a judgment of the superior court.

539: 3 Unsafe Working Conditions. Amend RSA 281: 29 by striking out said section and inserting in place thereof the following:

281: 29 Double Compensation. Any employer who is liable for the compensation provided by RSA 281: 22, 23, 25, and 26 shall, upon being found in violation of any provision of RSA 277, as amended, and RSA 276-A insofar as the latter chapter deals with prohibiting hazardous occupations for youth, when there is recorded in the department a prior violation of the same kind or when the employer has failed to comply with written departmental recommendations applicable to a first violation within the reasonable period allowed, become liable for twice the amount

of such compensation, provided, however, that if payment of compensation is secured pursuant to RSA 281:9, I, he and his insurance carrier shall share equally the payment of compensation hereunder.

539:4 Civil Penalty for Failure to Make Payment of Compensation. Amend RSA 281 by inserting after section 36-a the following new section:

281:36-b [New] Failure to Make Payment of Compensation. Any insurance carrier or self-insurer who fails to make payment of compensation pursuant to RSA 281:23 and 25 or to deny such compensation and to file with the labor commissioner a memorandum of either action, on a form prescribed by him, and, in case of denial to make available to the claimant a copy of the memorandum, giving a valid reason for denial and advising the claimant of his right to petition the commissioner for a hearing, no later than seven days after the waiting period provided by RSA 281:20, shall be assessed a civil penalty of twenty-five dollars, provided, however, that an insurance carrier or self-insurer will be relieved of having to meet the foregoing time limit if, (1) upon showing cause to the commissioner, he has obtained the desired extension of time, or, (2) if and to the extent, that an employer, except a self-insurer, has failed to comply with the requirements of RSA 281:46. Upon failure of any insurance carrier or self-insurer to comply with either an order for payment of compensation or assessment of a civil penalty, the commissioner shall recover either or both in a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner and shall be deposited by him with the state treasurer. The commissioner shall submit to the insurance commissioner the record of an insurance carrier which consistently fails to comply with the provisions of this section. In the event that the insurance commissioner should, upon investigation, find the carrier to be in substantial noncompliance, he shall demand compliance, failing which he shall suspend or revoke such carrier's authorization to carry out the business of workmen's compensation in this state. Likewise, the labor commissioner shall, as he deems necessary, suspend or revoke the self-insurer's permit of an employer who consistently fails to comply with the provisions of this section and the regulations promulgated hereunder.

539:5 Spouses' Actions Barred. Amend RSA 281:12 (supp), as amended, by striking out said section and inserting in place thereof the following:

281:12 Employees Presumed to Have Accepted. An employee of an employer subject to this chapter shall be conclusively presumed to have accepted the provisions hereof and to have waived his rights of action at common law to recover damages for personal injuries against his employer, or against the employer's insurance carrier as defined in RSA 281:2, VIII. The spouse of an employee entitled to benefits under this chapter shall have no right of action at common law against the employer, or the employer's insurance carrier as defined in RSA 281:2, VIII, to recover for consequential damages.

539:6 Employers' Responsibility to Report. Amend RSA 281:46, as amended, by striking out said section and inserting in place thereof the following:

281:46 Responsibility of Employer to Provide Vital Information.

I. Every employer, or self-insurer, shall record in sufficient detail and shall report, or cause to be reported, to the labor commissioner, all injuries

sustained by his employees in the course of their employment, as soon as possible, but no later than five days after the knowledge of the occurrence of such an injury. In the event that an injury results in a disability extending during the entire waiting period provided by RSA 281:20, the employer shall file with the commissioner a supplemental report, giving notice of such disability, as soon as possible after such waiting period, but no later than ten days after the accidental injury. A copy of either report shall be made available to the nearest claims office of the employer's insurance carrier. With respect to self-insurers, the supplemental report need not be filed with the commissioner and the insurance copy of the employer's first report may be used for his file. Upon failure of any employer, or self-insurer, to file a first report as set forth herein, the commissioner shall assess a civil penalty of twenty-five dollars. Upon failure of any employer, or self-insurer, to make payment of civil penalty, the commissioner shall recover same by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner and deposited by him with the state treasurer.

II. Any employer who consistently fails to make available to the commissioner and the employer's insurance carrier the information required by said carrier to make payment of disability compensation in manner consistent with RSA 281:36-b, shall, after he has been given due notice of non-compliance and opportunity to effectuate compliance, be assessed by the commissioner a civil penalty not to exceed one hundred dollars. Upon failure of an employer to pay such penalty and/or to comply with the requirements of RSA 281:46, I, the commissioner shall recover the penalty and petition for an injunction in a civil action in the superior court of the county of jurisdiction.

539:7 Clarification of Medical, Hospital and Remedial Care Provisions. Amend RSA 281:21 (supp), as amended, by striking out said section and inserting in place thereof the following:

281:21 Medical, Hospital, and Remedial Care.

I. An employer subject to this chapter or his insurance carrier, shall furnish to an injured employee, or cause to be furnished, reasonable medical, surgical, and hospital services, remedial care, nursing, medicines, and mechanical and surgical aids, for such period as the nature of the injury may require. The injured employee shall have the right to select his own physician.

II. The employer, or his insurance carrier, shall pay the cost of artificial limbs, eyes, teeth, orthopedic appliances, and physical and surgical aids made necessary by such injury, and he shall pay the cost of replacement or repair when such is made necessary by reason of wear and tear or physical change in the person. Whenever an employee, by accident arising out of and in the course of the employment has suffered the loss of glasses, false teeth, an artificial member, or hearing aid, said employee shall be paid an amount equal to the value of the property so lost.

III. In the event that any of the foregoing objects, in existence at the time of the injury, are damaged or destroyed as a result of an injury, the employer, or his insurance carrier, shall pay the cost of repair or replacement.

539:8 Improvement in Contested Cases Procedures. Amend RSA 281:37 (supp), as amended, by striking out said section and inserting in place thereof the following:

281: 37 Hearings and Awards.

I. In the event of a controversy as to the responsibility of an employer, or his insurance carrier, for the payment of compensation and other benefits under this chapter, any party at interest may petition the labor commissioner, in writing, for a hearing and award. Said commissioner, or his authorized representative, shall schedule a hearing, fixing its time and place and giving a notice thereof of at least fourteen days. The notice shall be given in hand or by certified mail, return receipt. At such hearing full consideration shall be given to all evidence presented and it shall be incumbent upon all parties to present all available evidence. No later than thirty days thereafter the commissioner, or his authorized representative, shall render his decision and shall forthwith notify the parties thereof. Failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from complaining about an adverse decision, a decision by default, or dismissal of petition for hearing and award. An appeal from a decision of the commissioner, or his authorized representative, may be taken to the superior court no later than thirty days from the date of such decision. The venue shall be according to civil actions in personam between the same parties, and the court shall set a time and place for hearing and order at least fourteen days' notice thereof to the parties. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the labor commissioner copies of such award. The decision of said court shall be enforceable in the same manner as an equity decree, and appeals from such decisions may be taken to the supreme court; but in no case shall such an appeal suspend the operation of an award unless the court from which such appeal is taken shall so order.

II. A decision of the labor commissioner shall take effect upon date of notification and become final, in the absence of an appeal therefrom, thirty days thereafter. Payment of weekly compensation shall begin and/or continue as soon as possible after the decision's effective date, but no later than five work days thereafter, and shall not be terminated, except in accordance with the terms of the commissioner's decision or by final court determination. Upon failure of an employer, or his insurance carrier, so to comply with his decision, the commissioner shall assess a penalty not to exceed twenty-five dollars for each day of non-compliance, beginning on the date of notification of assessment. Upon continued failure to comply with an order to make payment of compensation and/or penalty, the commissioner shall petition the superior court for an injunction to comply. All penalties collected under this section shall be deposited by the commissioner with the state treasurer.

539: 9 Repeal. RSA 281: 28 relative to compensation for loss of certain property is hereby repealed.

539: 10 Increase in Compensation for Death. Amend RSA 281: 22 (supp), as amended, by striking out said section and inserting in place thereof the following:

281: 22 Compensation for Death. If death results from the injury, weekly compensation shall be paid to the dependents of the deceased employee, as defined in RSA 281: 2, IX, in an amount provided by the compensation schedule in RSA 281: 23. Weekly payment made under this sec-

tion shall not exceed three hundred and forty-one or the sum of thirty-one thousand three hundred seventy-two dollars. Weekly payments made under RSA 281: 23, 25, or 26 shall be deducted from the foregoing maximums. It is provided, however, that a widow or widower having dependent children shall receive compensation as set forth by the weekly compensation schedule of RSA 281: 23 until all dependent children have reached termination of compensation as set forth by paragraph VI of this section.

I. In all cases where compensation is payable to a widow or widower for the benefit of herself or himself and dependent child or children, the labor commissioner shall have power to determine, from time to time, in his discretion what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.

II. In the case of remarriage of a widow without dependent children compensation payments shall cease.

III. In case of remarriage of a widow who has dependent children the unpaid balance of compensation which would otherwise become her due shall be payable to the mother, guardian, or such other person as the labor commissioner may order, for the use and benefit of such children during dependency.

IV. The employer, or his insurance carrier, shall pay burial expenses not to exceed one thousand dollars.

V. Any dependent as defined herein, except a widow, widower, child or children, who at the time of the injury of the injured is in part only dependent upon his earnings, shall receive such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of the injury bore to the total support of the dependents.

VI. Compensation for a dependent child shall cease when a child becomes twenty-one years of age, unless the child is physically or mentally incapacitated, or earlier if the child is determined by the labor commissioner to be self-supporting or upon the marriage or legal adoption of such child.

539: 11 Increase in Compensation for Total Disability. Amend RSA 281: 23 (supp), as amended, by striking out said section and inserting in place thereof the following:

281: 23 Compensation for Total Disability. An employer subject to this chapter, or his insurance carrier, shall pay to an employee sustaining a personal injury as defined in RSA 281: 2, V, compensation during a period of total disability of seven or more days, such compensation to be paid in amount provided by the following compensation schedule.

SCHEDULE OF WEEKLY COMPENSATION BENEFITS

Average Weekly Wage		Weekly Compensation Rate
At Least	But Less Than	
30	35	30
35	40	32
40	45	35
45	50	38
50	55	41
55	60	44
60	65	47
65	70	50

70	75	53
75	80	56
80	85	59
85	90	62
90	95	65
95	100	68
100	105	71
105	110	74
110	115	77
115	120	80
120	125	83
125	130	86
130	135	89
135	and over	92

When an average weekly wage as defined in RSA 281:2, VII is less than \$30.00 per week, the weekly compensation shall be the full amount of such average weekly wage.

539:12 To Make Compatible Compensation for Temporary Partial with Compensation for Temporary Total Disability. Amend RSA 281:25, as amended, by striking out said section and inserting in place thereof the following:

281:25 Compensation for Temporary Partial Disability. Where the disability for work resulting from an injury is partial, the employer during such disability, but not including the first seven days thereof, unless such disability continues for seven days or longer, shall pay to the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the difference between his average weekly wage before the injury and the average weekly wage which he is able to earn thereafter, but in no instance shall the weekly compensation exceed the amounts set forth by the compensation schedule in RSA 281:23. Payments shall not continue after the disability ends, nor longer than three hundred and forty-one weeks, and in case the partial disability begins after a period of total disability, the period of total disability shall be deducted from such total period of three hundred and forty-one weeks.

539:13 Increase in Permanent Partial Disability. Amend RSA 281:26 (supp), as amended, by striking out the unnumbered introductory paragraph and inserting in place thereof the following:

281:26 Permanent Partial Disability. In case of disability partial in character but permanent in quality, compensation shall be paid in accordance with the compensation schedule in RSA 281:23 and the following schedule of benefits:

539:14 Maximum Benefits. Amend RSA 281:30 (supp) as amended, by striking out said section and inserting in place thereof the following:

281:30 Maximum Benefits. In no case except as provided in RSA 281:25, 26, and 29 shall the weekly compensation payable under this chapter exceed the benefits set forth in RSA 281:23.

539:15 Second Injury Fund. Such parts of 281:48, as amended, which provide for payments into the second injury fund are hereby suspended for the period July 1, 1971 to July 1, 1973.

539:16 Employer Information and Waiver. Amend RSA 282:5-B(3) as amended by 1955, 141:10; 1957, 118:6; and 1969, 460:8, by striking out said paragraph and inserting in place thereof the following:

(3) (a) In finding the facts material to a claim, the certifying officer shall in every case where the reason for an individual's leaving employment may be material:

(1) Send to the employing unit and/or employer for whom the claimant last performed services a notice of the filing of a claim advising that he may appear in person in a given office of the department at a specific time and date to furnish full and complete factual information with respect to the discontinuance of said services, and

(2) Send to the same employing unit and/or employer as in (1) above a request for full and complete information relative to the discontinuance of the claimant's employment, and

(3) Send to the same employing unit and/or employer as in (1) above a waiver form as provided in section 5-B(8) of this chapter.

(b) The notice, request and waiver form as provided for in (a) above may be in one or more forms, and shall be as provided for in the regulations of the commissioner, including such time limitations as he deems appropriate.

(c) Failure on the part of the employing unit and/or employer to respond in at least one of the three methods provided in (a) above shall, at the expiration of the period set for response, be deemed an irrevocable waiver of his rights to be heard before the determination is made, and benefits charged to his account as a result of the determination shall remain so charged even though the claimant is, by reason of some later decision, held not to be entitled to such benefits.

539:17 Effect of Certifying Officer Determination. Amend RSA 282:5-B(7) as amended by 1955, 141:10, by striking out said paragraph and inserting in place thereof the following:

(7) If no appeal from a determination by a certifying officer is taken within the time limits in (6) above such determination shall thereupon become final and benefits shall be paid or denied in accordance therewith, subject to the provision in (6) above relative to good cause for late filing of the appeal; provided, however, that the certifying officer's determination shall continue to have effect as though no appeal had been filed with respect to all weeks of unemployment and any amount not affected by the appeal.

539:18 Claimant to be Heard before Benefit Payment is Stopped. Amend RSA 282:5-B(9) as amended by 1955, 141:10, by striking out said paragraph and inserting in place thereof the following:

(9) It shall be a condition precedent to the cessation of payment of benefits to any individual that he be given an opportunity to appear in person at a designated office in accordance with the commissioner's regulation to be heard relative to his continued entitlement to benefits. His failure to appear within the designated period shall be deemed a waiver of such right and he shall be bound by the determination unless he appeals as provided in (6) above.

539:19 Benefit Payments to Continue until Final Decision. Amend RSA 282:5-B(10) as amended by 1955, 141:10, by striking out said paragraph and inserting in place thereof the following:

(10) Benefits found payable by any administrative determination or decision, or court decision, order or decree, shall be immediately paid in

accordance therewith up to the week in which a subsequent appellate body renders a decision, order or decree finding that benefits were not and/or are not payable. If the final decision, order or decree so decides an issue that the claimant would not have received the benefits paid him by a prior decision, such amount shall be deemed overpaid. The commissioner shall recover such amount by civil action in any manner provided for the collection of contributions in section 12 of this chapter, and shall withhold, in whole or in part as determined by the commissioner, any future benefits payable to the individual, and credit such amount against the overpayment until it is repaid in full.

539:20 Effective Date. Section 1 shall take effect thirty days after passage. Sections 16, 17, 18 and 19 shall take effect sixty days after passage. The remainder of the act shall take effect July 1, 1971.

[Approved July 7, 1971.]

[Effective date. Section 1 shall take effect August 6, 1971. Sections 16, 17, 18 and 19 shall take effect September 5, 1971. Remainder of act effective July 1, 1971.]

CHAPTER 540.

AN ACT RELATIVE TO AUTHORITY OF THE COORDINATING BOARD OF ADVANCED EDUCATION AND ACCREDITATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

540:1 Coordinating Board. Amend RSA 186:13-a (supp) as inserted by 1963, 303:16 and amended by 1967, 288:1, and 1969, 214:1 by striking out said section and inserting in place thereof the following:

186:13-a Coordinating Board of Advanced Education and Accreditation. A coordinating board of advanced education and accreditation of twelve members shall be established with the following membership:

I. Ex officio members:

- (a) The commissioner of education;
- (b) The president of the University of New Hampshire;
- (c) The president of Keene state college;
- (d) The president of Plymouth state college; and
- (e) The chairman of the state board of education or his delegated representative.

II. One member of the senate appointed by the president of the senate. The term of said member shall be coterminous with his term as senator to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the president of the senate.

III. One member of the house of representatives, appointed by the speaker of the house. The term of said member shall be coterminous with his term as representative to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the speaker of the house.

IV. Five members for terms of five years each to be appointed by the governor with the advice and consent of the council, three of these five appointed members may be educators selected from the private institutions of higher learning of New Hampshire.

The board is hereby authorized to employ such staff as may be necessary to carry on its work, within the limits of its appropriation. The members of the board, except the ex officio members and any committee of evaluation established by them, shall serve without compensation but may be reimbursed for actual travel and other expenses incurred in the performance of their duties hereunder. The function of the board is to advise the legislature (1) concerning the granting of degrees, including community colleges, and (2) relating to planning and coordinating higher education, including initiating studies on matters of higher education and work with the New Hampshire members of the New England Board of Higher Education or other interstate and regional agencies insofar as possible. The board shall evaluate institutions of higher learning wishing to grant degrees or issue diplomas, and make appropriate recommendation to the legislature, except for those exempted in RSA 292: 8-h. The procedure and criteria for evaluation will be established by the board. Within five years after an institution in the state of New Hampshire, except for those exempted in RSA 292: 8-h, receives authority to grant degrees or issue diplomas or within five years after the effective date of this act for those receiving such authority prior to the establishment of the board, and thereafter at least once every ten years, it shall be evaluated by the board. On the basis of such evaluation, the board shall classify said institution into such category as will indicate its status as to approval and/or accreditation. The procedure and criteria for classification will be established by the board. The board may accept as a basis for classification, in lieu of evaluation by the board, accreditation by a recognized regional or national accrediting association.

540: 2 Present Terms, Unaffected. The provisions of this act shall not affect the terms of the members presently holding office on the effective date of this act. Vacancies shall be filled for the unexpired terms only. Upon the expirations of the terms of present members appointment shall be as follows:

I. On September 30, 1971 one individual shall be appointed to hold his office until September 30, 1976.

II. On September 2, 1973 two individuals shall be appointed; one to hold office until September 30, 1977 and one to hold office until September 30, 1978.

III. On August 12, 1974 two individuals shall be appointed; one to hold office until September 30, 1979 and one to hold office until September 30, 1980.

540: 3 Educational Institutions. Amend RSA 292: 8-h, as inserted by 1965, 44: 1 by striking out said section and inserting in place thereof the following:

292: 8-h Granting of Degrees. No educational institution within this state shall grant degrees unless authorized by an act of the legislature to do so. Provided that this limitation shall not apply to any institution now granting degrees which has been in continuous operation since 1775 or to publicly supported institutions placed by the legislature under the authority of the state board of education. The authority granted by the legislature shall specify the highest level of degrees, the associate (two year), baccalaureate (four year) or graduate, an institution may grant. Within that authority the board shall determine what lesser degrees an institution may grant and shall report their action to the next regular session of the legislature. An institution authorized to grant baccalaureate or graduate degrees shall have the authority to give customary honorary recognition

to outstanding individuals for noteworthy achievement. Should an institution legally desire to change its name it shall require the approval of the board which shall report such action to the legislature.

540:4 Community Colleges. Amend RSA 292-A:4, I (supp) as inserted by 1961, 155:1 and amended by 1967, 296:1 by striking out said paragraph and inserting in place thereof the following:

I. A community college may grant academic degrees with specific approval of the legislature upon recommendation of the coordinating board of advanced education and accreditation. Prior to approval of the power to grant degrees certain individual courses offered by community colleges shall be designated as of equal grade with like courses offered by an accredited college or university. If such course is submitted to the coordinating board for such designation the board shall act forthwith on the application. If it finds that said course is taught by a qualified instructor, that the subject matter is at either a graduate or undergraduate college level and that sufficient library and laboratory facilities for the particular course are available it shall so designate it and recommend to all institutions in the state that the course so designated shall receive the same consideration for transfer of graduate or undergraduate credit as is given to a course taken at any established college or university authorized to grant degrees and that the state board of education accept this course as meeting the certification requirements of this state. Each course presented for approval in each semester shall be evaluated in accordance with the approval standards and must be re-evaluated each time the course is given for graduate or undergraduate credit.

540:5 Effective Date. This act shall take effect upon its passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 541.

AN ACT PROVIDING FOR DOG RACING, ESTABLISHING A GREYHOUND RACING COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

541:1 Horse Racing and Dog Racing. Amend RSA 284:1 by striking out said section and inserting in place thereof the following:

284:1 Limitation. No part of this chapter shall be construed to apply to any racing whatever except running or harness horse races or dog races.

541:2 Greyhound Racing Fund. Amend RSA 284:2 as amended by 1957, 122:3 and 1959, 181:1 by striking out said section and inserting in place thereof the following:

284:2 Racing Funds. The state treasurer shall keep three separate accounts as follows:

I. The running horse race fund to which shall be credited the tax on contributions to pari-mutuel pools as provided for in this chapter in connection with running horse races or meets, together with all fines, fees and

forfeitures levied or obtained under the rules and regulations as established by the commission. Said fund shall, after paying the expenses of collection thereof and all other expenditures provided for herein, be covered at intervals of three months into the general funds of the state;

II. The harness race fund to which shall be credited the tax on contributions to pari-mutuel pools as provided for in this chapter in connection with harness races or meets, together with all fines, fees and forfeitures levied or obtained under the rules and regulations as established by the commission for said type of racing. The funds in the harness race fund, after paying the expenses of collection thereof and all other expenditures provided for herein, shall be covered at intervals of three months into the general funds of the state.

III. The greyhound race fund to which shall be credited the tax on contributions to pari-mutuel pools as provided for in this chapter in connection with greyhound races or meets, together with all fines, fees and forfeitures levied or obtained under the rules and regulations as established by the commission for said type of racing. The funds in the greyhound race fund, after paying the expenses of collection thereof and all other expenditures provided for herein, shall be covered at intervals of three months into the general funds of the state.

541:3 Powers Granted. Amend RSA 284 by inserting after section 12 the following new section:

284:12-a [New] Rules and Regulations. The greyhound racing commission shall make rules and regulations for the holding, conducting and operating of all dog races or meets for public exhibition and for the operation of race tracks on which any such race or meet is held. No person, association, or corporation shall conduct, hold or operate any dog race or meet for public exhibition, at which pari-mutuel pools are sold, without a license from the commission.

541:4 Greyhounds. Amend RSA 284 by inserting after section 14 the following new section:

284:14-a [New] Breeding of Greyhounds. The commission shall encourage and promote the improvement of the breed of greyhounds in New Hampshire. It may accept donations of greyhounds or gifts of any kind, by licensees or others to the state for this purpose. It may cooperate with and aid the officials of any state school or organizations such as the 4-H club and kennels in furthering this program.

541:5 License. Amend RSA 284 by inserting after section 15 the following new section:

284:15-a [New] Requirements. Any person, association, or corporation desiring to hold a dog race for public exhibition at which pari-mutuel pools are to be sold, shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the information set forth in section 15. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, shall be entitled to one special six day racing license annually.

541:6 Penalty. Amend RSA 284:21 by inserting in line four after the word "horse" the words (or dog) and by striking out in line five the word "said" and inserting in place thereof the word (the) so that said section as amended shall read as follows:

284: 21 Penalty. Except in cases when another penalty is provided in this chapter, any person, association, or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting, of any running or harness horse or dog race or meet for public exhibition, at which pari-mutuel pools are sold, without a license duly issued by the commission, or any person, association, or corporation who violates any of the provisions of this chapter or who violates any of the rules and regulations prescribed by the commission, shall be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

541: 7 Requirements. Amend RSA 284 by inserting after section 16 the following new section:

284: 16-a [New] Issuance of Licenses. If the greyhound racing commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant, it may issue a license which shall expire on the thirty-first day of December. No licensee shall hold more than one license under RSA 284: 16 (running or harness horse) while holding a license under this section. The license shall set forth the name of the licensee, the place where the races or race meets are to be held, and the time and number of days during which racing may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of fifty percent or more of the voting stock of the corporation and the corporation shall not hold a dog race or meet for public exhibition without a new license. Any New Hampshire agricultural fair association certified as such, by the commissioner of agriculture, shall be entitled to one special six day license annually to hold a dog race meet.

541: 8 Local Option for Dog Racing. Amend RSA 284 by inserting after section 15-b the following new section:

284: 15-c [New] Local Option. No license shall be issued by the commission for holding a dog race meet in any city or town until the city or town at an annual or special meeting called for the purpose has by majority vote of those voting on the question approved of the issuance of said license in said city or town. Only one such vote shall be required and annual renewals of licenses previously issued need not be re-submitted for referendum.

541: 9 Dog Races. Amend RSA 284 by inserting after section 18 the following new section:

284: 18-a [New] Rules of Racing. The greyhound racing commission shall have the power to make and adopt rules of racing including regulations providing for the licensing, supervising, disciplining, suspending, fining and barring from racing, on any tracks under the jurisdiction of the commission, of dogs, owners, breeders, authorized agents, sub-agents, nominators, trainers, clockers and any other persons, organizations, kennel associations or corporations, the activities of whom affect the conduct and operation of dog races at race tracks under the jurisdiction of the commission. At such tracks no person shall enter a dog or participate in any dog race or meet as an owner, kennel agent, nominator, or trainer, within the

state without having first procured from the commission a license so to act, and paying such fees as the commission may determine to be reasonable and proper therefor. Such licenses may be revoked by the commission at any time for cause.

541:10 Judges. Amend RSA 284 by inserting after section 20-a the following new section:

284:20-b [New] Judges. There shall be at least three judges to supervise each dog race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such judges shall be the official judge of the state greyhound racing commission, and the remaining judges shall be appointed by the person, association or corporation conducting the race or meet, subject to the approval of the commission. Said judges shall exercise such powers and perform such duties at each race as may be prescribed by the rules and regulations of the commission.

541:11 Pari-Mutuel Pools. Amend RSA 284:22 by inserting after paragraph III the following new paragraph:

IV. Commissions on such pools at tracks or race meets conducting a dog meet shall be uniform throughout the state at the rate of seventeen percent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lower multiple of ten, known as "breakage", one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five and one-half percent tax hereinafter prescribed.

541:12 Tax. Amend RSA 284:23 by inserting after paragraph II the following new paragraph:

II-a. Each person, association or corporation licensed to conduct a dog race or dog race meet under this chapter shall pay to the state treasurer a sum equal to five and one-half percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as does not exceed one hundred fifty thousand dollars, nine percent of so much thereof as exceeds one hundred fifty thousand dollars but does not exceed two hundred fifty thousand dollars, ten and one-quarter percent of so much thereof as exceeds two hundred fifty thousand dollars but does not exceed three hundred seventy-five thousand dollars and ten and three-quarters percent of all over three hundred seventy-five thousand dollars. Of the amount so paid to the state treasurer a sum equal to one-quarter of one percent shall be expended for the promotion of agriculture in the state under the direction of the commissioner of agriculture and the balance shall be distributed in accordance with the provisions of section 2 of this chapter.

541:13 Definition. Amend RSA 284:23, III by striking out said paragraph and inserting in place thereof the following:

III. The term "total contributions to all pari-mutuel pools" as used in paragraphs II and II-a shall be construed to mean the total of such contributions for one day.

541:14 Names of Dogs. Amend RSA 284:35 by inserting in line two after the word "horse" the words (or dog) so that said section as amended shall read as follows:

284: 35 False Entry. No person shall knowingly enter or cause to be entered for competition, or knowingly compete with, any horse or dog under any other than its true name, or out of its proper class, for any purse, prize, premium, stake or sweepstakes offered to the winner of a contest of speed.

541: 15 Contests. Amend RSA 284: 36 by inserting in lines one and three after the word "horse" the words (or dog) so that said section as amended shall read as follows:

284: 36 Name. The name of any horse or dog, for the purpose of entry for competition or performance in any contest of speed, shall be the name under which said horse or dog has been registered and has publicly performed, and shall not be changed, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

541: 16 Penalties. Amend RSA 284: 38 by inserting in lines four and eleven after the word "horse" the words (or dog) and by inserting in line nine after the word "horse" the words (or race dog) so that said section as amended shall read as follows:

284: 38 Malicious Interference with Horses or Dogs. Any person who wilfully or maliciously attempts to or does interfere with, tamper with, injure, or destroy by the use of narcotics, drugs, stimulants, or appliances of any kind any horse or dog used for the purpose of racing, whether such horse or dog be the property of such person or another, or who wilfully or maliciously causes, instigates, counsels, or in any way aids or abets any such interference, tampering, injury, or destruction shall, upon conviction, be fined not more than five thousand dollars or imprisoned for not more than three years or both, in the discretion of the court, and the owner of any race horse or race dog engaged in racing within this state that is found to have been stimulated or doped, or any entry of which such horse or dog is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

541: 17 Exemption from Gambling Statutes. Amend RSA 284: 34 by striking out said section and inserting in place thereof the following:

284: 34 Effect on Other Laws. RSA 338 and RSA 577: 6 shall not apply to pari-mutuel pools provided for by this chapter.

541: 18 Commission. Amend RSA 284 by inserting after section 6 the following new section:

284: 6-a [New] Greyhound Racing Commission Established.

I. There shall be a state greyhound racing commission consisting of three members appointed by the governor with the advice and consent of the council. Not more than two members shall belong to the same political party. Each shall hold office for a term of three years and until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term. One member shall be appointed as chairman and one as secretary. No member shall have any pecuniary interest in any racing or in the sale of pari-mutuel pools licensed hereunder.

II. The greyhound racing commission is independent of and separate from the state racing commission and is hereby granted the same powers, rights, duties and responsibilities granted the state racing commission

under the RSA, to the extent such grant is necessary to implement the provisions of this chapter relative to greyhound racing. Any reference to the state racing commission in the RSA shall be deemed to refer to the greyhound racing commission, if appropriate to carrying out such purpose, provided that specific provisions of the RSA referring to dog racing shall govern where applicable.

541:19 Salaries. Amend RSA 94: 1-a (supp) as amended by inserting in proper alphabetical order the following:

Greyhound racing commissioners (3) 3,120.00

541:20 Initial Appointments. The terms of the initial appointments of the three greyhound racing commissioners provided for by RSA 284: 6-a shall be one member for one year, one for two years, and one for three years.

541:21 Appropriation. There is hereby appropriated from funds received under RSA 284: 23, II-a, such funds as are necessary to carry out the purpose of this act, to be expended by the greyhound racing commission with approval of the governor and council. The treasurer may borrow sums authorized hereunder in the manner prescribed in RSA 6: 13, provided that such loans are repaid from funds provided under RSA 284: 23, II-a.

541:22 Disclosure of Information. Amend RSA 284 by inserting after section 15-a thereof the following new section:

284:15-b [New] Disclosure of Information. Any person, association or corporation applying for or holding a license issued pursuant to the provisions of this chapter shall annually not later than December 31 file with the attorney general a complete and detailed written statement, signed under oath, by the applicant or holder of such license if an individual, or by all of the officers of the applicant or holder if a corporation, containing in addition to such information as the commission may prescribe by rule or regulation the following:

I. The name, residence address, and nature of the ownership interest, including where applicable the number of shares of stock held and how obtained, of every person who possesses an ownership interest of any degree in such license applicant or holder.

II. The details as to all occupational and other income producing activities of every person who possesses an ownership interest of any degree in such license applicant or holder.

III. The details as to any felony convictions, including nature of offense, date, applicable court of record, and disposition of every person who possesses an ownership interest of any degree in such license applicant or holder.

IV. A statement of the assets and liabilities of every person who possesses an ownership interest of any degree in such license applicant or holder.

541:23 Conflicts of Interest Prohibited. Amend RSA 284: 4 (supp) as amended by striking out said section and inserting in place thereof the following:

284: 4 Member of the General Court. No person, association, or corporation conducting a racing plant under the provisions of this chapter, nor either commission, shall employ at said racing plant any person who is a

member of the general court, provided that this section shall not apply to any person employed at a racing plant on or before June 24, 1971.

541: 24 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 542.

AN ACT RELATING TO EXCEPTED PERSONS IN THE PRACTICE OF MEDICINE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

542: 1 Person Excepted. Amend RSA 329: 21 by striking out said section and inserting in place thereof the following:

329: 21 Persons Excepted. This chapter shall not apply:

I. To anyone while actually serving on the resident medical staff of any legally incorporated hospital; or

II. To legally qualified physicians in other states or countries meeting regularly registered physicians in this state in consultation; or

III. To any physician residing on the border of a neighboring state and duly authorized under the laws thereof to practice medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or to receive calls within this state; or

IV. To regular or family physicians of persons not residents of this state, when called to attend them during a temporary stay in this state, provided such family physicians are legally registered in some state; or

V. To podiatry; or

VI. To simple treatments such as massage or baths; or

VII. To nurses in their legitimate occupations; or

VIII. To cases of emergency; or

IX. To the administration of ordinary household remedies; or

X. To the advertising or sale of patent medicines; or

XI. To those who endeavor to prevent or cure disease or suffering by spiritual means or prayer; or

XII. To such physician's assistants and other paramedical personnel as have been approved and certified by the board, while under the supervision and control of a physician licensed in this state, but only if such person:

(a) Is a student in an established program which has been approved by the board; or

(b) Is a graduate of such a program.

XIII. Notwithstanding any provisions of paragraph XII to the contrary, no physicians assistants or other paramedical personnel shall engage in the practice of optometry as defined in RSA 327: 1 or perform any service rendered by an optician.

542: 2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 543.

AN ACT INCREASING THE ADDITIONAL RETIREMENT ALLOWANCES FOR STATE EMPLOYEES WHO RETIRED PRIOR TO JULY 1, 1961 AND MAKING AN APPROPRIATION THEREFOR AND PROVIDING CERTAIN RETIREMENT ALLOWANCES TO ESTHER DAVIS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

543:1 State Employees' Retirement System. Amend RSA 100:20-b (supp) as inserted by 1965, 344:1 and amended by 1967, 355:1 and 1969, 440:1 by striking out said section and inserting in place thereof the following:

100:20-b Supplementary Allowances. Any state employee beneficiary who retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1972, including any state employee retired under the state employees' retirement system as established by the Laws of 1945, 183, shall, beginning with the month of January 1972 and monthly thereafter, but not beyond the month of December 1972, have his allowance increased by thirteen percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, the beneficiary shall be paid beginning with the month of January 1972 and monthly thereafter but not beyond the month of December 1972, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1972, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1971 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1972 to December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

543:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of twenty-three thousand six hundred sixty-five dollars is hereby appropriated for the fiscal year ending June 30, 1972, to be expended between January 1, 1972 and June 30, 1972 and the sum of twenty-three thousand six hundred sixty-five dollars is hereby appropriated for the fiscal year ending June 30, 1973, to be expended between July 1, 1972 and December 31, 1972. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

543:3 In Favor of Esther Davis. Notwithstanding the failure of Philip S. Davis, Jr. to elect the conversion of his retirement allowance pursuant to RSA 100:11, effective July 1, 1971 payments shall be made to his widow, Esther Davis, by the State Employees' Retirement System. Payments shall

be computed on the basis that said Davis elected Option 2 provided for by RSA 100: 11, but no payments shall be made in arrears for the period from August 19, 1968 to June 30, 1971.

543: 4 Effective Date. Sections 1 and 2 shall take effect January 1, 1972. Section 3 shall take effect July 1, 1971.

[Approved July 7, 1971.]

[Effective date. Sections 1 and 2 shall take effect January 1, 1972. Section 3 effective July 1, 1971.]

CHAPTER 544.

AN ACT CONSTITUTING THE MERRIMACK DISTRICT COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

544: 1 Nashua District. Amend RSA 502-A: 1, XX as inserted by 1963, 331: 1 by striking out in lines two and three the words "Litchfield and Merrimack" and inserting in place thereof the following (and Litchfield) so that said section as amended shall read as follows:

XX. NASHUA DISTRICT. The Nashua district shall consist of the city of Nashua and the towns of Hudson, Pelham, Hollis and Litchfield. The municipal court for the city of Nashua is hereby constituted the district court in and for said district and shall be located in said Nashua holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be Nashua District Court.

544: 2 Manchester District. Amend RSA 502-A: 1, XIX as inserted by 1963, 331: 1 by striking out in line two the words "and the town of Bedford" and by striking out in line five the words "and elsewhere in said district" so that said section as amended shall read as follows:

XIX. MANCHESTER DISTRICT. The Manchester district shall consist of the city of Manchester. The municipal court for the city of Manchester is hereby constituted the district court in and for said district and shall be located in said Manchester, holding sessions regularly therein as justice may require. The name of said court shall be Manchester District Court.

544: 3 Court Constituted. Amend RSA 502-A: 1 by inserting after paragraph XX the following new paragraph:

XX-a. MERRIMACK DISTRICT. The Merrimack district shall consist of towns of Merrimack and Bedford. The municipal court for the town of Merrimack is hereby constituted the district court in and for said district, holding sessions therein as justice may require, provided, however, that said district court shall hold at least one session per week within the town of Bedford. The town of Bedford shall be reimbursed pursuant to the provisions of RSA 502-A: 2-a for said town's expenses in the maintenance and repair of said town's courtroom facility, which is used by the district court. The name of said court shall be the Merrimack District Court.

544: 4 Applicability. The term of office of the persons serving as justice and special justices of the Merrimack municipal court hereby constituted and established as the Merrimack District Court shall not be affected hereby and they shall continue in office as justices or special justices of the Merrimack District Court.

544:5 Establishment of Additional District Courts. Amend RSA 502-A by inserting after section 1 the following new section:

502-A:1-a [New] Additional District Courts. No district court other than the Merrimack District Court and the Hooksett District Court shall be established after the effective date of this act unless the proposal therefor shall have been referred by a regular session of the legislature to the judicial council for its consideration and report, such report to be considered at the next regular session of the legislature: provided that no such additional district court shall be established unless prior to said second regular session of the legislature all courtrooms intended to be included in the proposed district court are rated as "accredited—excellent" by the court accreditation commission.

544:6 Effective Date. This act shall take effect on August 23, 1971, provided that prior to said date the court facilities in the Bedford municipal court have been improved so as to render same reasonably or potentially suitable and adequate in terms of the public interest and the administration of justice in the judgment of the administrative committee of district and municipal courts.

[Approved July 7, 1971.]

[Effective date August 23, 1971.]

CHAPTER 545.

AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

545:1 Non-resident Hunting License. Amend RSA 214:9, VI (supp) as amended by 1955, 324:1 and 1969, 7:1 by striking out in line one the word "thirty" and inserting in place thereof the word (forty) so that said paragraph as amended shall read as follows:

VI. If the applicant is a non-resident and wishes to hunt, forty dollars, and said agent shall thereupon issue a non-resident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport game birds and game animals, under the restrictions of this title.

545:2 Increased Fees for Bow and Arrow License. Amend RSA 208:5 (supp) as amended by 1955, 136:1; 1959, 74:1 and 1967, 172:1 by striking out in line two the word "ten" and inserting in place thereof the word (fifteen) so that said section as amended shall read as follows:

208:5 Bow and Arrow. Any resident upon the payment of a fee of four dollars, or any nonresident upon the payment of a fee of fifteen dollars, shall be issued a special archery license. Said special archery license shall entitle the holder to hunt deer with bow and arrow for the period from October first to the end of the current deer season of each year throughout the state and in Bear Brook Refuge under the following conditions. Said special archery license shall also entitle the holder to hunt wild animals, game animals and game birds with bow and arrow during the open season therefor under the following conditions. If said non-resident not holding a New Hampshire hunting license shall be a person under sixteen years of age

he shall not be entitled to hunt under said special archery license except when accompanied by a properly licensed person who is twenty-one years of age or over. A special archery license shall not be required for residents less than sixteen years of age, but such person while hunting with bow and arrow must be accompanied by a properly licensed person who is twenty-one years of age or over, and must further comply with all the provisions of this chapter. No person hunting under the provisions hereof shall carry any firearms and no deer shall be taken with firearms under the archery license. Provided that the prohibition against carrying firearms shall not apply to persons properly licensed to carry firearms. Any person taking deer under the provisions of this section shall notify a conservation officer within forty-eight hours of such taking.

545:3 Muzzle-Loaders, License Fees. Amend RSA 208:5-a (supp) as inserted by 1963, 315:1 and amended by 1965, 93:1; 1969, 96:1 and 1971, 86:1 by striking out said section and inserting in place thereof the following:

208:5-a Muzzle-Loaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, as amended, upon payment of a fee of three dollars by residents or a fee of fifteen dollars by non-residents shall be issued a special license. Said special license shall entitle the holder to hunt deer with a single shot muzzle-loading firearm, of not less than .40 caliber, for a period of ten days immediately prior to the opening date for the taking of deer as provided for by RSA 208:2, as now or hereafter amended. No other type of firearm can be used for the taking of deer during this period.

545:4 Effective Date. This act shall take effect January 1, 1972.

[Approved July 7, 1971.]

[Effective date January 1, 1972.]

CHAPTER 546.

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE DOVER INDUSTRIAL DEVELOPMENT AUTHORITY; AUTHORIZING THE CITY OF DOVER TO OPERATE, MAINTAIN AND ENTER INTO CONTRACTUAL ARRANGEMENTS RELATIVE TO A CERTAIN HEATING SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

546:1 Authority Created. In addition to any authority granted by RSA 162-D, there is hereby granted to the city of Dover the authority to establish an industrial development authority which shall be a body corporate and politic as an agency of the city having the powers and jurisdiction hereinafter enumerated and such other and additional powers as may be conferred upon it by the legislature.

546:2 Management. The management of said corporation shall be vested in a board of nine directors who shall be inhabitants of and qualified voters in the city of Dover and shall have been for at least three years prior to the date of their appointments. Two of said board shall be the

city manager and mayor of Dover, ex officio. The mayor, with the consent of the city council, shall appoint the other seven members, one of whom shall be designated as chairman. Each appointed member shall hold office for three years, and until his successor shall have been appointed. Of the members first appointed, three shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, respectively. Thereafter members shall be appointed for three year terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

546:3 Removal of Board Members for Cause. Board members can be removed from office by the mayor for just cause with charges in writing, subject to the right of the individual to appeal the decision to the city council.

546:4 Incorporation; Powers. The Dover industrial park authority shall be a corporation in the state of New Hampshire and shall have powers

I. To sue and be sued;

II. To have a seal and alter the same at pleasure;

III. To adopt from time to time and amend bylaws covering its procedure, rules and regulations governing use of the industrial park or parks and any other services made available in connection with said park or parks, to publish the same, if such publication is necessary or advisable and to cause records of its proceedings to be kept;

IV. To develop, construct and reconstruct facilities, maintain and operate an industrial park or parks;

V. To acquire, hold and dispose of personal property for its purposes;

VI. To acquire in the name of the authority by gift, purchase, lease or otherwise, except by eminent domain, real property and rights or easements therein, deemed by it necessary or desirable for its purposes;

VII. To acquire in the name of the authority security by way of mortgage deed or otherwise any property title to which may be in any corporation or body other than the authority and upon which facilities may be developed or constructed as provided herein;

VIII. To sell or lease plots of land and to charge and collect fees for services made available within the industrial park or parks, subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided;

IX. To make contracts with the city of Dover or any agency thereof, public corporations or bodies, private corporations or individuals;

X. To accept grants and the cooperation of the state of New Hampshire or the United States or any agency thereof in the development, maintenance, operation and financing of industrial park or parks and to do any and all things necessary in order to avail itself of such aid and cooperation;

XI. To employ such assistants, agents and consultants as it shall deem necessary or desirable for its purposes;

XII. To borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligations or any part thereof by pledge or any part of the revenue of the industrial park or parks;

XIII. To develop as an industrial park real property owned by any local development corporation or foundation which has as its primary purpose the encouragement and development of industry, all costs of such development to be borne by the corporation, foundation or owner;

XIV. To acquire in the name of the authority title to an industrial facility by issuing revenue bonds or other such evidences of indebtedness or obligations of the authority secured by lease in which (a) adequate provision has been made for the payment by the lessee of the cost of the construction of such industrial facility so that under no circumstances will city treasury funds, appropriations, or other public funds of the industrial development authority or of the city be obligated directly or indirectly for the payment of the cost of construction of such industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction, and (b) adequate provision has been made for the payment of all costs of operation, maintenance, and upkeep of such industrial facility by the lessee, sublessee or occupant so that under no circumstances will city treasury funds, appropriations, or other public funds of the industrial development authority or of the city be obligated directly or indirectly, for the payment of such costs; and to lease, sell and convey at public or private sale, with or without advertisement, all or any part of any industrial facility acquired by it, and to do all acts necessary to the accomplishment of such lease, sale, or conveyance. The authority may in the resolution authorizing prospective issues provide as to bonds authorized by this paragraph:

- (a) The manner of executing the bonds and coupons;
- (b) The form and denomination thereof;
- (c) Maturity dates thereof;
- (d) The interest rates thereon;
- (e) For redemption prior to maturity and the premium payable therefor;
- (f) The place or places for the payment of interest and principal;
- (g) For registration if the authority deems such to be desirable;
- (h) For the pledge of all or any of the revenue for securing payment;
- (i) For the replacement of lost, destroyed or mutilated bonds;
- (j) The setting aside of reserve and sinking funds and the regulation and disposition thereof;
- (k) For limitation on the issuance of additional bonds;
- (l) For the procedure, if any, by which the contract with the bondholder may be abrogated or amended;
- (m) For the manner of sale and purchase thereof;
- (n) For covenants against pledging of any of the revenue derived from the lease;
- (o) For covenants as to the rights, liabilities, powers and duties arising upon the breach by the authority of any covenant, condition or obligation;
- (p) For covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof;
- (q) For covenants as to the use of its property and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of the insurance money;
- (r) For limitations upon the exercise of the powers conveyed upon the authority by this act;
- (s) For the issuance of such bonds in series thereof, and
- (t) For performance by the authority of any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority as will tend to make the bonds more marketable, notwithstanding that such acts or things may be enumerated therein.

XV. To do all other lawful things necessary and incidental to the foregoing powers.

546: 5 Insurance. The authority is authorized to procure liability, fire and extended coverage insurance on all or any part of its property.

546: 6 Project Reports; Hearing and Order. Said industrial authority before commencing any project, shall submit to the mayor and city council a report, including a detailed description and plan of the project, and a detailed estimate of the total cost thereof. The mayor and city council, upon receiving such report, shall determine whether the proposed project will be of public use and benefit and within the authority conferred upon said corporation. They shall cause a public hearing to be held thereon and, if it shall appear that the project would be of public use and benefit and within the powers conferred upon said authority, they may, by written order, direct said authority to proceed with such project. The mayor and city council shall order notice of the hearing to be advertised in the usual manner and allowing a minimum of ten days notice before date of hearing.

546: 7 Bonds Authorized. The authority is hereby authorized to provide by resolution from time to time for the issuance of bonds for the purpose of paying the costs of developing an industrial park or parks and its facilities. The bonds of the authority shall not be a debt of the city or of any agency or political subdivision thereof, except as provided in section 9, but shall be payable solely from the revenue of the industrial park or parks. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable. In case any of the members of the authority whose signatures appear on the bonds or coupons shall cease to be such members before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if such members had remained in office until such delivery. The authority may in the resolution authorizing prospective issues provide as to such bonds:

- I. The manner of executing the bonds and coupons;
- II. The form and denomination thereof;
- III. Maturity dates thereof;
- IV. The interest rates thereon;
- V. For redemption prior to maturity and the premium payable therefor;
- VI. The place or places for the payment of interest and principal;
- VII. For registration if the authority deems such to be desirable;
- VIII. For the pledge of all or any of the revenue for securing payment;
- IX. For the replacement of lost, destroyed or mutilated bonds;
- X. The setting aside of reserve and sinking funds and the regulation and disposition thereof;
- XI. For limitation on the issuance of additional bonds;
- XII. For the procedure, if any, by which the contract with the bondholder may be abrogated or amended;
- XIII. For the manner of sale and purchase thereof;
- XIV. For covenants against pledging of any of the revenue of the project;

XV. For covenants fixing and establishing such prices, rates and charges for the use of the industrial park or parks and services made available therewith, so as to provide, at all times, funds which will be sufficient, (a) to pay all costs of operation and maintenance of such industrial park or parks and its facilities together with the necessary repairs thereto; (b) to meet and pay the principal and interest of all such bonds as they severally

become due and payable and (c) for the creating of such revenues for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of such industrial park or parks and its facilities as the authority shall determine;

XVI. For such other covenants as to such prices, rates and charges as the authority shall determine;

XVII. For covenants as to the rights, liabilities, powers and duties arising upon the breach by the authority of any covenant, condition or obligation;

XVIII. For covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof;

XIX. For covenants as to the use of its property and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of the insurance money;

XX. For limitations upon the exercise of the powers conveyed upon the authority by this act;

XXI. For the issuance of such bonds in series thereof.

546: 8 Interim Certificates. Prior to the issuance of the bonds hereunder the authority may issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for such bonds when issued.

546: 9 Issuance of Notes and Purchase by the City Treasurer. The authority may issue to the city treasurer its notes, subject to the limitation as provided in this act, in an amount outstanding at any one time sufficient to enable the authority to carry out its functions under this act or any other provision of law, such notes to mature not more than three years from their respective dates of issue, to be redeemable at option of the authority before maturity in such manner as may be stipulated in such obligation. Each such obligation shall bear interest at a rate determined by the city treasurer, taking into consideration the current average rate on outstanding marketable obligations of the city as of the last day of the month preceding the issuance of the obligation of the authority. Notwithstanding the provisions of any other law, the city treasurer is authorized to purchase the notes of the authority to be issued hereunder and any funds over which the city has exclusive control may be used for this purpose.

546: 10 Debt Limitation. The authority shall not issue its notes or bonds as provided by this act at any one time in an amount exceeding two million dollars.

546: 11 Tax Exemption and Payment for Services in Lieu of Taxes. The property of the authority is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority may agree to make payments to the municipality in which an industrial park is located for highway maintenance, fire protection or other services.

546: 12 Bonds Guaranteed. The mayor with the advice and consent of the city council is hereby authorized in the name of the city to guarantee, in such manner as may be determined, and not subject to current debt limitations otherwise imposed, the payment of the whole or any part of the principal and interest of any bonds to be issued by the authority. The full faith and credit of the city shall be pledged to the performance of such guarantee of the city.

546:13 Guaranty of First Mortgages. Upon recommendation of the authority for the proper implementation of the declared purposes of this act, the mayor, with the advice and consent of the city council, is authorized in the name of the city to guarantee payment of a portion of first mortgages on industrial real property within the limitations hereinafter prescribed.

I. The mortgage indebtedness shall not exceed the current market value of the secured realty, including land and buildings. Final determination of market value may be made by at least three professional real estate appraisers using the average of the appraisals.

II. The guaranty at any given time shall not exceed fifty percent of the outstanding balance of any mortgage loan and may be set at less than fifty percent upon the recommendation of the authority. The guaranty may cover that portion of the loan in excess of fifty percent of the appraised value of the real property and such guaranteed portion relieves the statutory limitation applying to New Hampshire banks operating under a state charter. In other words, thirty percent guaranty on a bank loan would permit the loaning bank to loan one hundred percent of the appraised value.

III. No guaranty upon a first mortgage upon any industrial real property shall exceed two hundred fifty thousand dollars.

IV. The authority shall charge for said guaranty not less than one percent per annum of the amount to which said guaranty is applicable.

V. No mortgage which does not by its terms require full payment of both principal and interest within twenty years from date of execution of said mortgage shall be eligible for any state guaranty in whole or in part.

VI. The obligation of the city under the provisions of this section shall at no one time exceed the amount of two million dollars.

546:14 Approval of Projects for Guaranty. Said industrial park authority in recommending any city guaranty under the provisions of section 13 shall submit to the mayor and city council a report including a detailed description and plan of the industrial real property upon which the guaranty is requested. The mayor and city council upon receiving such report shall determine whether the proposed guaranty will be of public use and benefit.

546:15 Annual Report. The authority will submit an annual report to the city council.

546:16 Faith and Credit Pledged. The full faith and credit of the city of Dover shall be pledged to the performance of any guaranty under the provisions of section 13.

546:17 Heating System. There is hereby granted to the city of Dover the authority to operate and maintain a heating system for the use of owners, lessees and other occupants of the Pacific Mills complex, so-called, and to assume the powers and jurisdiction hereinafter enumerated and such other and additional powers as may be conferred upon it by the legislature.

546:18 Rates. The city of Dover may singly or in concert with the users thereof set rates for the services provided by such system, and may collect such tariffs, fees and charges against the users of such system as they shall become due.

546:19 Power of City. Subject to the approval of the city council the city of Dover, either singly or in concert with the users thereof, shall have the following authority:

- a To develop, construct and reconstruct facilities for and maintain and operate said system.
- b To acquire by any manner, hold and dispose of property, both personal and real, tangible and intangible, for this purpose.
- c To make contracts with any individual, public corporation or body, or private corporation.
- d To employ such employees, assistants, agents or consultants as shall be necessary.
- e To borrow money and issue evidences of such indebtedness or obligation and to pledge the full faith and credit of the city therefor.
- f To do all other lawful acts necessary and incidental to the foregoing powers.

546: 20 Operation Costs. Except as provided above, the operation and maintenance of said system is to be paid from operating income and there shall be no expenditure by the city except for services provided directly to the city.

546: 21 Referendum. At the municipal election to be held in the city of Dover in November, 1971, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the general court of 1971 relative to the establishment of an industrial development authority for the city of Dover, and to authorize the city to operate, maintain and enter into contractual arrangements relative to a certain heating system be adopted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite such word in which the voter may indicate his choice. The warrant for the meeting at which this action is to be taken shall contain an article calling for the consideration of such adoption. If a majority of the voters present and voting on the question shall signify their approval thereof this act shall be declared adopted effective as of January 1, 1972. The city clerk of the city of Dover shall within ten days after said election certify to the secretary of state the result of the vote on the question.

546: 22 Effective Date. Section 21 shall take effect sixty days after passage of this act. If the other provisions of this act are adopted at the referendum they shall become effective on January 1, 1972.

[Approved July 7, 1971.]

[Effective date. Section 21 shall take effect September 5, 1971, and remainder of act effective as provided in section 22.]

CHAPTER 547.

AN ACT TO REPEAL THOSE PORTIONS OF THE RSA WHICH DENY PAUPERS THE RIGHT TO VOTE AND THOSE WHICH ARE IN CONFLICT WITH EXISTING PROVISIONS RELATIVE TO REPORTING CAMPAIGN EXPENDITURES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

547: 1 Definition of Legal Voter. Amend RSA 54: 1 as amended by striking out said section and inserting in place thereof the following:

54:1 Legal Voters. Every inhabitant of each town, being a native or naturalized citizen of the United States, of the age provided for in Article 28 of Part Second of the Constitution of New Hampshire, shall have a right, at any meeting, to vote in the town in which he dwells and has his home.

547:2 Repeal. RSA 54:2 relative to who are considered paupers, RSA 54:3 relative to soldiers and sailors who have received assistance, RSA 54:4 relative to tender of taxes, RSA 54:5 relative to tender of aid received, and RSA 54:6 relative to disposal of money received are hereby repealed.

547:3 Repeal. RSA 70:21 as enacted by 1971, 6:11 relative to filing of expenditures by state committees is hereby repealed.

547:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 548.

AN ACT TO REORGANIZE THE COMMISSION ON INTERSTATE COOPERATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

548:1 Membership of Commission Reduced. Amend RSA 19:2 (supp) as amended by 1967, 19:1 by striking out said section and inserting in place thereof the following new section:

19:2 Membership and Organization. The commission is composed of seven members. The members shall choose their chairman, vice chairman and clerk. The membership in the commission shall be selected as follows:

I. The governor shall appoint one member.

II. The president of the senate shall appoint three senators.

III. The speaker of the house shall appoint three members of the house.

548:2 Terms of Office. Amend RSA 19:3 by striking out said section and inserting in place thereof the following:

19:3 Terms of Office. All members shall be appointed to serve on the commission for a term coterminous with elected office held at time of appointment, and the term of the member appointed by the governor shall be for two years. In case of any vacancies, appointments shall be made for the unexpired term.

548:3 Compensation. Amend RSA 19:4 (supp) as amended by 1955, 299:1 by striking out said section and inserting in place thereof the following:

19:4 Compensation. The members of said commission shall serve without compensation. They shall be entitled to reimbursement for their reasonable expenses when performing their duties hereunder.

548:4 Consultants Authorized. Amend RSA 19 by inserting after section 5 the following new section:

19:6 [New] Consultants. The commission may authorize a consultant, acting in behalf of the commission, to attend any meeting within or without the state of New Hampshire, in furtherance of the objectives enumerated in RSA 19:1. Said consultant shall receive no salary, but shall be entitled to reimbursement for his reasonable expenses. Said expenses shall be a charge against the legislative appropriation unless the consultant is employed by the state.

548:5 Present Members of Commission. The terms of all the present members of the commission shall terminate on the effective date of this act. The first appointment of new members shall be for a term starting on the effective date of this act, and the term of the member appointed by the governor shall terminate on January 1, 1973.

548:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 549.

JOINT RESOLUTION ESTABLISHING A COMMITTEE TO STUDY THE FEASIBILITY OF OFF TRACK BETTING.

WHEREAS, There is widespread interest throughout the state in the possibility of raising revenue through a system of off track betting; and

WHEREAS, The practicality of establishing such a system in the state has not been determined; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT, a study be conducted of the feasibility of establishing a system of off track betting within the state; such study shall include but not be limited to a study of the character of the market, the possible social and economic impact, revenue producing potential, and the comparative advantages of private and state ownership of such a system. For the purposes of this study, there is hereby created an interim study committee of ten members as follows:

I. Three residents of the state, not members of the general court, to be appointed by the governor and council;

II. Three members of the senate to be appointed by the president;

III. Three members of the house of representatives to be appointed by the speaker; and

IV. A member of the racing commission to be appointed by the commission.

THE committee shall have full power and authority to require from the several departments, agencies, and officials of the state and of the political subdivisions of the state, such information and assistance as it may deem necessary for the purposes hereof. Members of the committee shall serve without compensation or mileage. It shall be the duty of the committee to thoroughly study the feasibility of introducing off track betting in the state and to report its findings and recommendations, together with any drafts

of proposed legislation necessary to carry out such recommendations, to the next regular session of the legislature, during the first week of said session.

[Approved July 7, 1971.]

CHAPTER 550.

AN ACT RELATIVE TO SPECIAL AND ASSOCIATE JUSTICES PRACTICING IN DISTRICT OR MUNICIPAL COURTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

550:1 Special and Associate Justices. Amend RSA 502-A:21 as inserted by 1963, 331:1 and as amended by 1967, 438:3 by striking out the same in its entirety and substituting the following therefor:

502-A:21 Disqualifications of Justices, etc. No justice, associate justice, special justice or clerk of any district or municipal court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court, or which has been examined or tried therein. No such justice or associate justice shall be retained or employed as an attorney in any matter pending before any other district or municipal court. No special justice of any municipal or district court shall appear in any municipal or district court representing a client in a criminal case. No attorney shall be permitted to practice before any district or municipal court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law. No justice, associate justice, or special justice whose salary exceeds fifteen thousand dollars per year shall be permitted to engage in the practice of law to any degree.

550:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 551.

AN ACT ESTABLISHING A FINANCE OFFICER FOR THE CITY OF MANCHESTER AND DEFINING HIS DUTIES AND ALSO PRO- VIDING FOR COMPETITIVE BIDDING IN CERTAIN CASES FOR SAID CITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

551:1 Finance Officer. Amend section 23 of chapter 384 of the Laws of 1846 by striking out in line two the words "city treasurer" and inserting in place thereof the words (finance officer) so that said section as amended shall read as follows:

Section 23. The city council shall also, in the month of April annually, in convention, and by joint ballot, elect a finance officer, a collector of taxes, and all other subordinate officers who are not chosen by the inhabitants or

appointed by the mayor and aldermen; and shall also fill all vacancies which shall exist in the boards of assessors, assistant assessors, overseers of the poor, or school committee, by reason of a failure to elect by the inhabitants at the annual meeting. The candidates for filling such vacancies shall be determined in the manner provided by the constitution of the state for fixing upon candidates to fill vacancies in the state senate.

551:2 Election of Finance Officer. Amend section 1 of chapter 287 of the Laws of 1889 by striking out said section and inserting in place thereof the following:

Section 1. The board of mayor and aldermen shall in the month of January, biennially, elect a competent person who shall act as finance officer of said city of Manchester.

551:3 Term and Salary. The finance officer shall hold office for four years, unless sooner removed for just cause, and until his successor is chosen and duly qualified; and if a vacancy shall occur in said office, the same shall be filled by the board of mayor and aldermen; and he shall receive as compensation for his services such salary as the board of mayor and aldermen shall fix.

551:4 Duties. It shall be the duty of said finance officer to carefully examine and audit all accounts kept by any city officials, and no such account shall be accepted or allowed until approved by said finance officer as correct. He shall also carefully examine all accounts and bills against said city, and shall approve no such bill or account unless the same shall be accompanied by a certificate of the mayor, or some other city official, committee or agent authorized in behalf of said city to make its contract or cause the expenditure to be made upon which said account or bill is founded, that the same is correct; and he shall further perform such other duties as were formerly performed by the auditor and the city treasurer as they are now defined or may be defined by the ordinances of the city of Manchester.

551:5 Referendum. The provisions of sections 1 to 4 inclusive shall not take effect unless it is adopted by a majority vote at the biennial election held in the city of Manchester in November, 1971, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot the following question: "Shall the provisions of an act establishing a finance officer for the city of Manchester and defining his duties and eliminating the positions of city auditor and city treasurer, passed at the 1971 session of the legislature, be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question, the provisions of section 1 to 4 inclusive shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote. The mayor and aldermen shall certify to the secretary of state the effective date of sections 1, 2, 3 and 4 of this act.

551:6 Competitive Bidding. All purchases made by the city of Manchester for materials, equipment, supplies, services, insurance, building repairs, or any other item, in an amount exceeding five hundred dollars

shall be by competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for purchases to be delivered at different times where the single delivery may be less than five hundred dollars, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

551:7 Referendum. The provisions of section 6 shall not take effect unless it is adopted by a majority vote at the biennial election held in the city of Manchester in November, 1971, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot the following question: "Shall section 6 of an act requiring all purchases exceeding five hundred dollars, made by the city of Manchester, be by competitive bidding, passed at the 1971 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question section 6 of this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote. The mayor and aldermen shall certify to the secretary of state the effective date of section 6 of this act.

551:8 Effective Date. Sections 5 and 7 of this act shall take effect upon its passage, and if either part or both parts of the act is adopted at the election in November, 1971, the mayor and aldermen of the city of Manchester, at their next regular meeting held after the November, 1971, election shall establish a particular date identified by the day and year on which the particular sections shall take effect.

[Approved July 7, 1971.]

[Effective date. Sections 5 and 7 shall take effect July 7, 1971 and remaining sections effective as provided in section 8.]

CHAPTER 552.

AN ACT RELATIVE TO THE APPLICATION OF THE MINIMUM WAGE LAWS TO CERTAIN EMPLOYEES OF RESTAURANTS, HOTELS AND SIMILAR BUSINESSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

552:1 Exemption Clarified. Amend RSA 279: 21, I (supp) as amended by 1955, 288: 1; 1957, 311: 1; 1959, 275: 1; 1963, 203: 1 and 1967, 440: 10 by striking out said paragraph and inserting in place thereof the following:

I. These limitations shall not apply to employees engaged in household labor, domestic labor, farm labor, nor to outside salesmen, nor to employees of summer camps for minors.

552:2 Employees of Restaurants, Hotels, Etc. Amend the introductory paragraph of RSA 279: 21, as amended, by inserting at the end the following:

(For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than twenty dollars a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of fifty per centum of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this paragraph, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.) so that said paragraph as amended shall read as follows:

No person, firm or corporation shall employ any employee at a rate lower than that required by the federal minimum wage law, as amended. The foregoing limitation shall in no way affect existing state coverage as defined herein. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than twenty dollars a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of fifty per centum of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this paragraph, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. The limitations imposed hereby shall be subject to the following exceptions.

552:3 Wage Deductions. Amend RSA 279 by inserting after section 21 the following new section:

279:21-a [New] Deductions to Determine Wages. For the purposes of employment in the hotel, motel, cabin, tourist home and restaurant industries an employer shall be entitled to deduct from the minimum wage hereinabove prescribed allowances for meals and lodging. The maximum amounts of such deductions shall be as follows:

I. Full Board and Room (Weekly)	\$18.00
Full Board and Room (Daily)	2.60
II. Meals (Weekly)	12.60
Meals (Per Meal)	.60
III. Lodging (Weekly)	5.50
Lodging (Daily)	.90

552:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 553.

AN ACT RELATIVE TO THE CANCELLATION OF MOTOR VEHICLE AND HEALTH INSURANCE POLICIES; MEDICAL PAYMENT PROVISIONS OF MOTOR VEHICLE POLICIES; AND SUBROGATION OF RIGHTS TO MEDICAL PAYMENTS THEREUNDER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

553:1 Cancellation; Refusal to Renew. Amend RSA 415:6(B)(8) by striking out said subparagraph and inserting in place thereof the following:

(8) A provision as follows: Cancellation; Refusal to Renew. The insurer may refuse to renew on the policy anniversary date, or may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than ten days thereafter, such cancellation or refusal to renew shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro-rata. Cancellation or refusal to renew shall be without prejudice to any claim originating prior to the effective date of the cancellation or refusal to renew. However, such cancellation or refusal to renew, if for reasons other than nonpayment of premium and other than specified in any time limits for certain defenses, shall be effected only if also effected on all policyholders of the same class. No such action shall be taken without prior written approval of the insurance commissioner. The insurer shall have the burden of proof that the classification of risk involved therein is reasonable and nondiscriminatory, pursuant to RSA 415: 15.

553:2 Medical Payment Coverage Required. Amend RSA 268 by inserting after section 15-a the following new section:

268:15-b [New] Medical Payments. No motor vehicle liability policy, as defined in RSA 268: 1, shall be issued or delivered in this state unless coverage is provided therein or supplemental thereto in an amount equal to or greater than one thousand dollars per person for medical costs incurred as a result of injuries sustained in an accident involving the insured motor vehicle, trailer, or semi-trailer by the driver and passengers in said motor vehicle, trailer, or semi-trailer. Provided that said coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained.

553:3 Subrogation of Medical Benefits Prohibited. Amend RSA 268 by inserting after section 15-b the following new section:

268:15-c [New] Subrogation Prohibited. The right of subrogation against any third party shall not exist or be claimed in favor of the insurer who has paid or reimbursed, to or for the benefit of the insured, medical costs under coverage provided for pursuant to RSA 268: 15-b.

553:4 Effective Date. Section 1 shall take effect upon passage. Sections 2 and 3 of this act shall take effect ninety days after its passage.

[Approved July 7, 1971.]

[Effective date. Section 1 shall take effect July 7, 1971. Sections 2 and 3 shall take effect October 5, 1971.]

CHAPTER 554.

AN ACT ESTABLISHING OBLIGATIONS OF THE NEW HAMPSHIRE HIGHER EDUCATIONAL AND HEALTH FACILITIES AUTHORITY AS "LEGAL INVESTMENTS".

Be it Enacted by the Senate and House of Representatives in General Court convened:

554:1 New Hampshire Higher Educational and Health Facilities Authority Obligations. Amend RSA 387:16 by inserting after paragraph VI the following new paragraph:

VII. OBLIGATIONS OF THE NEW HAMPSHIRE HIGHER EDUCATIONAL AND HEALTH FACILITIES AUTHORITY. Bonds, notes or other obligations of the New Hampshire Higher Educational and Health Facilities Authority which have received an investment quality rating by one of the nationally recognized bond-rating agencies. The term "investment quality rating" as used in this subsection shall mean any one of the three highest investment categories of the particular bond-rating agency.

554:2 Exemption. Amend RSA 195-D:15 (supp) as inserted by 1969, 318:1 and amended by 1971, 198:10 by striking out said section and inserting in place thereof the following:

195-D:15 [New] Exemption from Taxation; Payments in Lieu of Taxes. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and will constitute the performance of an essential governmental function, and neither the corporation nor its agent shall or may be required to pay any taxes or assessment upon or in respect of a project or any property acquired or used by the corporation or its agent or under the jurisdiction, control, possession or supervision of the same or upon the activities of the corporation or its agent in the operation or maintenance of the project under the provisions of this chapter, or upon income or other revenues received therefrom, and any bonds, notes and other obligations issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, as well as the income and property of the corporation, are at all times exempt from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state; provided that the participating institution for higher education or participating hospital shall be required to make annual payments in lieu of taxes on:

(1) any project or any portion thereof owned by such participating institution or by the corporation pursuant to the provisions of this chapter if said project or any portion thereof would not be exempt from taxation pursuant to RSA 72:23 as amended and as in effect on the date that the find-

ings of the designee of the governor and council are made for the particular project pursuant to RSA 195-D: 21; or

(2) any portion or all of a project which provides permanent housing for married students, staff, or employees of a participating institution for higher education or permanent housing for staff, employees or relatives of patients of a participating hospital. The amount of the annual payment in lieu of taxes shall be equal to that sum which would otherwise have been payable for real estate taxes on such project or part thereof pursuant to RSA 74 and RSA 75. All such payments in lieu of taxes shall be made to the city or town in which such project or portion thereof is located on December first of each year. The corporation shall not be liable to make any such payments in lieu of taxes, except to the extent that monies have been deposited with it for the specific purpose of making such payments in lieu of taxes. The liability for such payments in lieu of taxes shall constitute a general obligation of the participating institution for higher education or participating hospital, as the case may be. Upon any failure of such participating institution to make such payments in lieu of taxes as herein provided, no liens of any nature shall attach against any project, or any portion thereof, or against the assets or revenues of such participating institution, pledged to secure bonds or other obligations of the corporation for the period during which bonds or other obligations issued to finance the project are outstanding; provided, however, the city or town shall have a lien to secure the making of such payments in lieu of taxes which lien shall attach against all real estate of the participating institution not pledged, mortgaged or otherwise encumbered to secure bonds or other obligations of the corporation and which lien shall further attach against all real estate comprising the project but only on the date the bonds or other obligations issued to finance such project or part thereof have been fully retired. The corporation shall within five days of such date notify such city or town of the date on which the bonds or other obligations issued to finance the project or part thereof have been fully retired. The city or town may enforce the foregoing liens by a collector's sale of property subject to such liens in the manner provided in RSA 80. Notwithstanding the foregoing provisions, the governing body of such city or town, as defined in RSA 203: 3, (III), may agree with such participating institution to waive its rights to such payments in lieu of taxes, or any portion thereof, over the period during which bonds or other obligations issued to finance the project are outstanding or for some lesser period of time.

554: 3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 555.

AN ACT PROHIBITING DISCRIMINATION BECAUSE OF AGE OR SEX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

555: 1 Incorporation of Provisions as to Age and Sex; Purpose of Chapter. Amend RSA 354-A: 1 as inserted by 1965, 297: 1 by inserting in line

seven before the word "race" and in line fourteen before the word "race" the words (age, sex,) so that said section as amended shall read as follows:

354-A: 1 Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, race, creed, color or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation, in housing accommodations because of age, sex, race, creed, color or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

555: 2 Opportunity. Amend RSA 354-A: 2 as inserted by 1965, 297: 1 by inserting in line two before the word "race" the words (age, sex,) so that said section as amended shall read as follows:

354-A: 2 Opportunity for Employment Without Discrimination, a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, race, creed, color or national origin is hereby recognized and declared to be a civil right.

555: 3 Advisory Agencies. Amend RSA 354-A: 7, VIII as inserted by 1965, 297: 1 by inserting in line five before the word "race" the words (age, sex,) so that said paragraph as amended shall read as follows:

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, race, color, religious creed or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary travelling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

555: 4 Publications. Amend RSA 354-A: 7, IX as inserted by 1965, 297: 1 by inserting in line three before the word "race" the words (age, sex,) so that said paragraph as amended shall read as follows:

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, race, color, religious creed or national origin.

555:5 Unlawful Discriminatory Practices. Amend RSA 354-A:8 as inserted by 1965, 297:1 and as amended by inserting before the words "race, color, religious creed or national origin" wherever they occur in said section the words (age, sex,) so that the affected paragraphs of said section as amended shall read as follows:

354-A:8 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice:

I. For an employer, because of the age, sex, race, color, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

II. For a labor organization, because of the age, sex, race, color, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, religious creed or national origin, unless based upon a bona fide occupational qualification.

IV. For any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, race, creed, color or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, race, creed, color or national origin; or that the patronage or custom thereof of any person belonging to or purporting to be of any particular age, sex, race, creed, color or national origin is unwelcome, objectionable or acceptable, desired or solicited.

Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

V. For any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or being in the business of selling or renting dwellings: (a) to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of age, sex, race, color, religion, or national origin; (b) to

discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of age, sex, race, color, religion or national origin; (c) to make, print or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on age, sex, race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination; (d) to represent to any person because of age, sex, race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

The provisions of this paragraph shall not apply (1) to the sale or rental of any single-family house sold or rented by the owner, if such owner does not own more than three such single-family houses at any one time, if such house is sold or rented (a) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (b) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subparagraph 8 V (c) above; but nothing in this paragraph shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or (2) to the rental of a housing accommodation in a building which contains housing accommodations for not more than three families living independently of each other, if the owner or members of his family reside in one of such housing accommodations; or (3) to the rental of a room or rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation; or (4) to the sale or rental of dwellings the sale or rental of which are pursuant to a plan for a retirement or similar community or establishment limited to persons over a certain age, not less than forty-five years.

For purposes of this paragraph, a person shall be deemed to be in the business of selling or renting dwellings if: (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

555:6 Construction. Amend RSA 354-A:13 as inserted by 1965, 297:1 by striking out said section and inserting in place thereof the following:

354-A:13 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of women or minors or for the regulation of the employment of women or minors. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, race, creed, color or national origin; but, as to acts declared unlawful by RSA 354-A:8, the procedure herein provided shall, while pending, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, he may not subsequently resort to the procedure herein.

555:7 Limitation. Amend RSA 354-A:8 by adding after paragraph VII the following:

VIII. LIMITATION. The prohibitions in this chapter with regard to age discrimination in employment shall be limited to individuals who are less than sixty-five years of age.

555:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 7, 1971.]

[Effective date September 5, 1971.]

CHAPTER 556.

AN ACT RELATIVE TO CONTINUING THE OFFICE SPACE STUDY COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

556:1 Committee Continued. Amend Laws of 1970, chapter 29 by inserting after section 4 the following new section:

29:4-a [New] Additional Duties Established. The office space study committee established by section 4 is hereby continued. Said committee shall submit a report with its recommendations to the public works committee of both the house and senate not later than April 15, 1973. It may submit preliminary reports at any earlier time. It shall act in an advisory capacity to the director of the office of comprehensive planning. The committee is authorized to employ the services of a consultant to assist in its duties. Provided, however, any consultant so employed, shall receive compensation for his services only from federal or private funds, or from both.

556:2 Effective Date. This act shall take effect upon its passage.

[Approved July 7, 1971.]

[Effective date July 7, 1971.]

CHAPTER 557.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF CERTAIN
DEPARTMENTS OF THE STATE FOR THE FISCAL YEARS
ENDING JUNE 30, 1972 AND JUNE 30, 1973.

*Be it Enacted by the Senate and House of Representatives in General
Court convened:*

557:1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal years ending June 30, '72 and June 30, '73:

	FISCAL 1972	FISCAL 1973
557:2 Legislative branch:		
I General court:		
(a) Senate:		
Personal services:		
Members	\$ —	\$ 6,050
Attaches	27,000	75,000
Current expenses	3,000	10,000
Travel—Members and attaches	9,000k	45,000l
Equipment and capital improve- ments	2,500	2,500
Other expenditures:		
Membership fees	1,500	1,500
Legal services and consultants	1,000	1,000
Total	\$ 44,000	\$ 141,050
Less balance forward	15,000	—
Net appropriation for senate	\$ 29,000	\$ 141,050

	FISCAL 1972	FISCAL 1973
(b) House:		
Personal services:		
Members	—	\$ 82,000
Attaches	48,000	120,000
Current expenses	6,160	25,000
Travel—Members and attaches	20,000k	516,000l
Equipment and capital improve- ments	2,000	3,000
Other expenditures:		
Membership fees	1,500	1,500
Legal services and consultants	1,000	1,000
Total	\$ 78,660	\$ 748,500
Less balance forward	35,000	—
Net appropriation for house	\$ 43,660	\$ 748,500
(c) Joint expenses:		
Printing and binding	\$ 25,000	\$ 95,000
Current expenses	18,000	33,250
Repairs and alterations	1,320	1,320
Voter guide—constitutional amendments	4,400	—
Legal services and consultants	1,000	1,000
Special session expenses	132,000	—
Fiscal committee	4,000	—
Total—joint expenses	\$ 185,720	\$ 130,570
Total for the general court	\$ 258,380	\$ 1,020,120
II Legislative services:		
Personal services	\$ 90,000m	\$ 130,000m
Current expenses	5,000n	7,500n

Travel:			
In state	500		1,000
Out of state	2,200		2,000
Equipment	1,000		1,000
Other expenditures:			
Consultants	7,500		12,000
Total	\$ 106,200		\$ 153,500
Less balance forward	15,000		—
Net appropriation for legislative services	\$ 91,200		\$ 153,500
III Legislative budget assistant:			
Personal services	\$ 230,000 ^o		\$ 230,000 ^o
Current expenses	12,000		13,000
Travel:			
In state	2,500		2,500
Out of state	2,000		2,500
Equipment	4,500		4,500
Other expenditures:			
Consultants	20,000		22,000
Total	\$ 271,000		\$ 274,500
Less estimated revenue	50,000 ^p		50,000 ^p
Net appropriation for legislative budget assistant	\$ 221,000		\$ 224,500
Total	\$ 570,580		\$1,398,120
Less estimated balance forward	29,772		—
Net appropriation for legislative branch	\$ 540,808 ^q		\$1,398,120 ^q

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557:3 Judicial branch:

I Supreme court:		
Salaries of justices	\$ 139,610	\$ 139,760
Salary of clerk-reporter	19,032	19,032
Other personal services:		
Permanent	40,765	40,984
Other	2,500	2,500
Current expenses	8,000	8,000
Travel:		
In state	1,000	1,000
Out of state	1,000	1,000
Other expenditures:		
N.H. supreme court reports	5,000f	5,000
Total	\$ 216,907	\$ 217,276
II Superior court:		
Salaries of judges	\$ 261,254	\$ 261,360
Salaries of judicial referees	40,875	40,875
Other personal services:		
Permanent	132,661r	132,782r
Other	300	300
Current expenses	10,000	10,000
Travel:		
In state	12,000	12,000
Out of state	500	500
Total	\$ 457,590	\$ 457,817
Less reimbursements	132,661	132,782
Net appropriation	\$ 324,929	\$ 325,035
III Probate court:		
Salaries of judges, registers and deputies	\$ 232,288	\$ 233,434

IV Judicial council:	\$	13,839s	\$	13,964s
V Administrative committees:				
(a) District and municipal courts	\$	7,839	\$	7,964
(b) Probate courts		250		—
Total	\$	8,089	\$	7,964
Total for judicial branch	\$	796,052	\$	797,673
557: 4 Executive office:				
I Office of governor:				
Salary of governor	\$	30,000	\$	30,000
Other personal services:				
Other		90,000t		90,000t
Current expenses		10,000		10,000
Travel:				
In state		3,000u		3,000u
Out of state		2,500		2,500
Equipment		1,500		500
Other expenditures:				
Contingent fund		15,000		15,000
Governor's special fund		10,000v		10,000v
New England governors' conference		8,325		8,325
Emergency fund		50,000		50,000
Operating budget contingent fund		100,000w		100,000w
Governor's conference		9,000		9,000
Advisory commission		1,000		1,000
Budget Director		29,000		29,000
Total	\$	359,325	\$	358,325

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II Coordinating planning staff:			
Personal services:			
Other	\$ 29,000		
Current expenses	1,500		
Travel:			
In state	1,000		
Out of state	2,500		
Equipment	100		
Other expenditures:			
Blue cross, life insurance			
Oasi, retirement insurance	11,560		
Total	<u>\$ 45,660</u>		
Less estimated revenue	<u>45,560</u>		
Net appropriation for coordinating Planning staff	\$ 100	\$ 100	\$ 100
III Office of coordinator of federal funds:			
Salary of coordinator	\$ 17,446		
Other personal services:			
Permanent	6,923		
Current expenses	1,400		
Travel:			
Out of state	2,500		
Total	<u>\$ 28,269ba</u>	\$ 28,269ba	\$ 28,904ba
IV Office of economic opportunity:			
(a) General:			
Personal services:			
Other	\$ 66,624	\$ 66,624	\$ 66,624

Current expenses	8,000		
Travel:			
In state	2,500		
Out of state	1,200		
Other expenditures:			
Employees' benefits	7,062		
Total		\$ 85,386	\$ 85,810
(b) Vista transportation:			
Other expenditures		\$ 13,776	13,776
(c) Vista supervision:			
Personal services:			
Other	\$ 10,000		\$ 10,000
Current expenses	200		200
Travel:			
In state	1,200		1,200
Out of state	800		800
Other expenditures:			
Employees' benefits	962		1,010
Total		\$ 13,162	\$ 13,210
(d) Youth coordinator:			
Personal services:			
Other	\$ 10,881		\$ 10,881
Current expenses	2,265		2,265
Travel:			
In state	3,000		3,000
Out of state	2,372		2,372
Other expenditures:			
Employees' benefits	1,491		1,566
Consultants' contracts	1,743		1,743
Total		\$ 21,752	\$ 21,827

	FISCAL 1972	FISCAL 1973
Total for office of economic opportunity	\$ 134,076	\$ 134,623
Less estimated revenue and balance	129,076	129,623
Net appropriation for office of economic opportunity	\$ 5,000	\$ 5,000
V Executive council:		
Personal services:		
Other—per diem	\$ 23,000	\$ 23,000
Secretary to executive council	4,770	4,770
Current expenses	2,000	2,000
Travel:		
In state	4,000	4,000
Out of state	250	250
Total	\$ 34,020	\$ 34,020
VI Governor's commission on crime and delinquency:		
(a) HEW		
Personal services:		
Other	\$ 98,286	\$ 98,381
Current expenses	9,880	9,880
Travel:		
In state	2,500	2,500
Out of state	2,000	2,000
Equipment	1,000	1,000
Other expenditures:		
Fringe benefits	2,400	2,450
Workshops	11,712	11,567
Total	\$ 127,778	\$ 127,778

(b) LEAA action grants: Other expenditures				\$2,345,000
(c) LEAA—SPA & plan: Personal services:				
Other	\$ 94,492			\$ 121,211
Current expenses	16,120			16,120
Travel:				
In state	5,000			5,000
Out of state	2,600			2,600
Equipment	1,000			1,000
Other expenditures:				
Fringe benefits	5,604			5,680
Program audits	11,851			12,389
Total		\$ 136,667		\$ 164,000
(d) Plan grants to local units		\$ 82,000		98,400
(e) Discretionary funds		\$ 250,000		250,000
(f) Other expenditures:				
State share of local buy in	\$ —		\$ 125,000	
State agency buy in	—	\$ 0	60,000	\$ 185,000
Total for governor's commission on crime and delinquency		\$2,858,445		\$3,170,178
Less estimated revenue and balance		2,858,445		2,985,464
Net appropriation for governor's com- mission on crime and delinquency			\$ 0	\$ 184,714
VII Office of state planning:				
(a) Division of state planning:				
Personal services:				
Permanent	\$ 116,837			\$ 117,423
Current expenses	5,000			5,000
Travel:				
In state	1,400			1,400

	FISCAL 1972	FISCAL 1973
Other expenditures: New England river basin com- mission	17,930	17,930
Total	\$ 141,167	\$ 141,753
(b) Division of comprehensive plan- ning assistance:		
Personal services:		
Other	\$ 293,000	\$ 293,000
Current expenses	3,000	3,000
Travel:		
In state	2,000	2,000
Other expenditures	2,000	2,000
Total	\$ 300,000	\$ 300,000
Less revenue and balance	300,000bb	300,000bb
Net appropriation for comprehen- sive planning assistance	\$ 0	\$ 0
Total for office of state planning	\$ 141,167	\$ 141,753
Total for executive office	\$ 567,881	\$ 752,816
557:5 Adjutant general's department:		
I Central administrative office:		
Salary of adjutant general	\$ 17,233	\$ 17,249
Other personal services:		
Permanent	74,980	75,923
Current expenses	7,500	7,500
Equipment	1,795	575
Total	\$ 101,508	\$ 101,247

II Armories:			
Personal services:			
Permanent	\$ 138,404	\$ 139,356	
Other	1,000	1,000	
Current expenses	100,000	100,000	
Other expenditures	5,000	5,000	
Total	\$ 244,404	\$ 245,356	
III National guard:			
Personal services:			
Other	\$ 7,000a	\$ 7,000a	
Current expenses	1,600	1,600	
Travel:			
In state	400	400	
Out of state	800	800	
Other expenditures:			
Social security	250	250	
Total	\$ 10,050	\$ 10,050	
IV New Hampshire military academy	\$ 5,000	\$ 5,000	
V Officers' uniform allowance:			
Current expenses	\$ 8,000	\$ 8,000	
VI State military reservation—Con-			
cord:			
Personal services:			
Permanent	\$ 65,748	\$ 66,767	
Current expenses	40,000	40,000	
Travel:			
In state	600	600	
Other expenditures	10,550	9,350	
Total	\$ 116,898	\$ 116,717	

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FISCAL 1972

VII State military reservation—Pease
air force base, Portsmouth:

Personal services:

Permanent

Current expenses

Travel:

Out of state

Total

Total for adjutant general's department
Less estimated revenueNet appropriation for adjutant general's
department

557: 6 Administration and control:

I Division of budget and control:

Salary of comptroller

Salary of business supervisor

Salary of assistant business super-
visors

Other personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Council of state government

\$ 25,027
32,000

200

\$

57,227

\$ 543,597
77,347

\$ 466,250

\$ 25,190
19,212

45,919

22,420
4,000250
100
1,140

7,326

\$ 56,630

\$ 542,490
77,744

\$ 464,746

\$ 25,190
19,161

45,889

21,861
4,000250
100
—

7,326

Firemen's relief	3,600	3,600	
New England board of higher education:			
Grants	75,000	50,000	
New England Regional commission	49,000	49,000	
Oasi contributions:			
State employees	1,190,750	1,250,500	
Teachers	1,650,344	—0—	
Indigent defendants	100,000	100,000	
Preparation governor's budget	—	7,000	
Total			\$1,585,657
II Division of accounts:			
Salary of director	\$ 19,152	\$ 19,152	
Other personal services:			
Permanent	123,705	124,761	
Other	2,000	2,000	
Current expenses	26,000	26,000	
Travel:			
In state	10	10	
Out of state	50	50	
Equipment	1,600	—	
Total			\$ 171,973
III Division of building and grounds:			
(a) General:			
Personal services:			
Permanent	\$ 285,388	\$ 290,031	
Other	4,000	4,000	
Current expenses	250,000	250,000	
Travel:			
In state	300	300	
Out of state	50	50	
Equipment	6,500	500	

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Other expenditures:		
Make ready legislative areas	—	3,500
Replace condensate piping—health building	1,500	—
Repairs to plumbing and sanitary system—health building	1,500	—
Total	\$ 549,238	\$ 548,381
(b) Morton building:		
Personal services:		
Permanent	\$ 70,431	\$ 71,363
Other	4,000	4,000
Current expenses	50,000	50,000
Equipment	400	—
Other expenditures:		
Oasi, retirement, insurance	7,000	7,200
Total	131,831	132,563
Less: transfer from highway funds	131,831	132,563
Net appropriation	\$ 0	\$ 0
Total for division of building and grounds	\$ 549,238	\$ 548,381
IV Division of investigation of accounts:		
Personal services:		
Permanent	\$ 47,635	\$ 47,716
Other	3,000	3,000
Current expenses	1,500	1,500
Travel:		
In state	4,000	4,000
Out of state	100	100

Equipment	6,291	90
Total		
V Mailing division:		
Personal services:		
Permanent	\$ 62,526	\$ 56,406
Current expenses	\$ 18,923	\$ 18,923
Equipment	1,066	1,066
	400	—
Total	\$ 20,389	\$ 19,989
VI N.H. distributing agency:		
(a) Surplus foods division:		
Salary of director	\$ 13,322	\$ 13,322
Other personal services:		
Permanent	65,269	66,655
Other	2,000	2,000
Current expenses	20,520	20,520
Travel:		
In state	3,000	3,000
Out of state	290	290
Equipment	20,850	—
Other expenditures:		
Oasi and retirement	6,100	6,100
Blue cross and insurance	405	405
Total	131,756bd	112,292bd
Less estimated revenue and balance	131,756	112,292
Net appropriation	\$ 0	\$ 0
(b) Surplus property division:		
Salary of deputy director	\$ 10,785	\$ 10,785
Other personal services:		
Permanent	13,301	13,301
Other	500	500

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Current expenses					
Travel:					
In state	10,000				
Out of state		550			
Equipment		240			
Other expenditures:		—			
Oasi and retirement		1,900			
Blue cross and insurance		145			
Total		<u>\$ 37,421</u>			
Less estimated revenue and balance		<u>37,421</u>			
Net appropriation	\$ 0		\$ 0		
Total for N.H. distributing agency			\$ 0		\$ 0
VII Division of purchase and property:					
(a) General:					
Salary of director	\$ 19,212		\$ 19,212		
Other personal services:					
Permanent	102,675		103,740		
Other	1,000		1,000		
Current expenses	6,000		6,000		
Travel:					
In state	700		700		
Out of state	400		400		
Equipment	650		375		
Total		<u>\$ 130,637</u>			<u>\$ 131,427</u>
(b) Warehouse division:					
Personal services:					

	FISCAL 1972	FISCAL 1973
Other	500	500
Current expenses	6,000	6,000
Total	\$ 24,369	\$ 24,369
Total for administration and control	\$4,212,208	\$2,594,914
557:7 Aeronautics commission:		
I Administration:		
Salary of director	\$ 17,129	\$ 17,129
Other personal services:		
Permanent	83,161	83,843
Other	1,200	1,200
Current expenses	6,550	6,550
Travel:		
In state	2,600	2,600
Out of state	1,000	1,000
Total	\$ 111,640	\$ 112,322
II Airways toll fund:		
Other expenditures:		
Establishment and maintenance of air navigation facilities on state airways system	10,000	10,000
III Aircraft operating fees:		
Other expenditures—as provided by 1961: 261	13,500	14,000
IV Aircraft rental and/or operation:		
Other expenditures	2,500	2,500
Total for aeronautics commission	\$ 137,640	\$ 138,822

557: 8 Agriculture:			
I Office of commissioner:			
Salary of commissioner	\$ 17,129	\$ 17,190	
Other personal services:			
Permanent	57,965	58,085	
Current expenses	5,000	5,000	
Travel:			
In state	2,000	2,000	
Out of state	700	700	
Equipment	—	2,900	
Other expenditures:			
Feed, seed and fertilizer analytical services	25,000	25,000	
Total	\$ 107,794	\$ 110,875	
II Division of animal industry:			
Salary of state veterinarian			
Other personal services:			
Permanent	15,446	15,446	
Current expenses	76,262	76,955	
Travel:	12,000	12,000	
In state	6,000	6,000	
Out of state	450	450	
Equipment	550	—	
Other expenditures:			
Veterinary services—other than testing	100	100	
Tubercular testing	14,000	14,000	
Brucellosis, vibriosis, and leptospirosis testing	14,000	14,000	
Indemnities for condemned animals	8,000 ^{be}	—	
Diagnostic services of domestic animals	10,500 ^{be}	10,500 ^{be}	

	FISCAL 1972	FISCAL 1973
Operation veterinary diagnostic laboratory	25,375	25,375
Total	\$ 182,683	\$ 174,826
III Division of insect and plant disease suppression and control:		
Other personal services:		
Permanent	\$ 27,096	\$ 27,154
Other	4,590	4,590
Current expenses	1,000	1,000
Travel:		
In state	3,000	3,000
Out of state	350	350
Equipment	500	3,100
Total	\$ 36,536	\$ 39,194
IV Division of markets and standards:		
Bureau of markets:		
Personal services:		
Permanent	\$ 62,210	\$ 62,703
Current expenses	24,000	24,000
Travel:		
In state	2,500	2,500
Out of state	350	350
Equipment	—	5,800
Other expenditures:		
Cooperative grant to New England crop reporting service	800	800
Rodent control work in cooperation with federal government	150	150

Federal supervision in connection with farm produce inspection		50	50
Total		\$	\$ 96,353
V Meat inspection service:			
Personal services:			
Permanent	\$ 51,021		\$ 53,329
Current expense	2,000		2,000
Travel:			
In state	4,500		4,500
Out of state	350		350
Equipment	—		9,300
Total		\$	\$ 69,479
Less estimated federal revenue			34,740
Net appropriation		\$	\$ 34,739
VI Pesticide control:			
Personal services:			
Permanent	\$ 14,777		\$ 14,777
Current expenses	1,400		1,400
Travel:			
In state	500		500
Out of state	200		200
Equipment	80		—
Other expenditures:			
Expense re pesticide control law	2,500a		2,500a
Total		\$	\$ 19,377
VII Bureau of weights and measures:			
Personal services:			
Permanent	\$ 59,903		\$ 60,003

	FISCAL 1972	FISCAL 1973
Current expenses		
Travel:	3,250	3,250
In state	4,500	4,500
Out of state	350	350
Equipment	9,250	—
Total	\$ 77,253	\$ 68,103
VIII Licensing of live poultry dealers	\$ 140	\$ 140
IX Soil conservation districts (10)	\$ 2,500	\$ 2,500
X Grants		
(a) State soil conservation committee	\$ 250	\$ 250
(b) Eastern states exhibit	10,000	10,000
Total	\$ 10,250	\$ 10,250
XI Special funds:		
Current expenses		
Travel:	\$ 1,000	\$ 1,000
In state	400	400
Out of state	800	800
Equipment	350	350
Other:		
Research and promotion	1,950	1,950
Total	\$ 4,500	\$ 4,500
Less estimated federal funds	4,500	4,500
Net appropriation	\$ 0	\$ 0
Total for department of agriculture	\$ 555,608bg	\$556,357bg

557: 9 Commission on the arts:

Personal services:		
Other	\$ 18,965	\$ 19,215
Current expenses	7,000	7,600
Travel:		
In state	1,775	1,900
Out of state	2,000	2,100
Equipment	800	800
Other expenditures:		
Grant awards	85,780	108,385
Total	<u>\$ 116,320</u>	<u>\$ 140,000</u>
Less estimated federal funds	<u>101,320</u>	<u>125,000</u>
Net appropriation	\$ 15,000	\$ 15,000

557: 10 Attorney general's department:

I Administrative and general services:		
Salary of attorney general	\$ 22,204	\$ 22,204
Salary of deputy attorney general	19,032	19,032
Salary of one assistant attorney general	17,129	17,129
Other personal services:		
Permanent	64,703	66,142
Other	750	750
Current expenses	6,000	6,000
Travel:		
In state	420	420
Out of state	600	600
Equipment	2,500	2,000

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FISCAL 1973

Other expenditures:

United States v. Maine, New
Hampshire, et al.
Commission on uniform laws
Law enforcement manual
Consultants

5,000a
1,400
2,000
20,000dk

—
1,400
—
—

Total

\$ 161,738
15,000

\$ 135,677
15,000

Less estimated revenue

Net appropriation

\$ 146,738

\$ 120,677

II Division of charitable trusts:

Salary of director

\$ 7,613

\$ 7,613

Other personal services:

Permanent

14,250

14,504

Other

350bh
700

350bh
700

Current expenses

Travel:

In state

100

100

Total

\$

23,013

\$ 23,267

III Division of consumer protection:

Salary of one assistant attorney

general

\$ 15,606

\$ 15,987

Permanent

23,470

24,514

Other

250

250

Current expenses

2,000

2,000

Travel:

In state

4,000

4,000

Out of state

500

500

Equipment	100		100
Total		\$ 45,926	\$ 47,351
IV Division of consumer protection land—sales full disclosure: Salary of one assistant attorney general			
Permanent	\$ 15,606		\$ 15,987
Other	6,213		6,554
Current expenses	350		350
Enforcement expenses	2,000		2,000
Travel:	1,000		1,000
In state	2,000		2,000
Out of state	200		200
Equipment	100		100
Total		\$ 27,469	\$ 28,191
V Division of criminal justice: Salaries of five assistant attorneys general			
Other personal services:	\$ 83,241		\$ 83,996
Permanent	19,578		20,085
Current expenses	2,800		2,800
Travel:			
In state	2,000		2,000
Out of state	500		500
Equipment	175		130
Total		\$ 108,294	\$ 109,511
VI Eminent domain and public works and highways: Salaries of three assistant attorneys general			
	\$ 49,484		\$ 49,864

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	FISCAL 1972	FISCAL 1973
Other personal services:		
Permanent	26,871	28,086
Current expenses	3,170	3,220
Travel:		
In state	2,100	2,100
Out of state	500	500
Equipment	250	250
Total	<u>\$ 82,375</u>	<u>\$ 84,020</u>
Less transfer from highway fund	82,375	84,020
Net appropriation	<u>\$ 0</u>	<u>\$ 0</u>
Total for attorney general's department	<u>\$ 351,440</u>	<u>\$ 328,997</u>
557:11 Bank Commission:		
I Administration:		
Salary of bank commissioner	22,444	22,502
Salary of deputy bank commissioner	18,814	19,092
Other personal services:		
Permanent	246,066	249,464
Other	2,000	2,000
Current expenses	29,000	27,000
Travel:		
In state	19,000	19,000
Out of state	2,300	2,300
Equipment	5,800	3,100
Other expenditures:		
Oasi and retirement	20,042	20,867
Total	<u>\$ 365,466bi</u>	<u>\$ 365,325bi</u>
Less reimbursements	365,466	365,325
Net appropriation	<u>\$ 0</u>	<u>\$ 0</u>

II Small loan and motor vehicle
finance division:
Personal services:
Permanent
Current expenses
Travel:
In state
Other expenditures:
Oasi and retirement

Total
Less revenue

Net appropriation

Total for bank commission

557:12 Boards:

I Accountancy:
Personal services:
Other
Current expenses
Travel:
In state

Total for board of accountancy

II Registration for architects:
Personal services:
Other
Current expenses
Travel:
In state

\$	18,724	\$	18,758
	2,400		2,400
	1,225		1,225
	1,933		2,023
\$	24,282	\$	24,406
	24,282bj		24,406bj

\$	0	\$	0
\$	0	\$	0

\$	2,500	\$	2,500
	4,000		4,000
	300		300

\$	6,800bk	\$	6,800bk
----	---------	----	---------

\$	2,750	\$	3,000
	1,420		1,750
	400		400

	FISCAL 1972	FISCAL 1973
Out of state Equipment	500 80	500 —
Total for board of registration for architects		
III Barbers:		
Personal services:		
Other	\$ 1,700	\$ 1,700
Current expenses	675	675
Travel:		
In state	1,200	1,200
Out of state	225	225
Other expenditures:		
Transfer to board of hairdressers for salary of clerk IV and tempo- rary clerk typist I	2,500	2,500
Total for barbers board	\$ 6,300bk	\$ 6,300bk
IV Chiropractic examiners:		
Personal services:		
Other	\$ 3,500	\$ 3,500
Current expenses	475	475
Travel:		
In state	900	900
Out of state	200	200
Total for board of chiropractic ex- aminers	\$ 5,075bk	\$ 5,075bk
V Dental		
Personal services:		
Other	\$ 3,000	\$ 3,000

Current expenses	1,640		
Travel:			\$ 940
In state	200		200
Out of state	870		1,520
Equipment	115		100
Total for dental board		\$ 5,825bk	\$ 5,760bk
VI Professional engineers:			
Personal services:			
Other	\$ 9,200		\$ 9,200
Current expenses	8,290		6,190
Travel:			
In state	1,170		1,170
Out of state	750		600
Equipment	375		90
Total for board of professional engineers		\$ 19,785bk	\$ 17,250bk
VII Registration for professional foresters:			
Personal services:			
Other	\$ 350		\$ 350
Current expenses	250		250
Travel:			
In state	200		200
Total for board of registration for professional foresters		\$ 800	\$ 800
VIII Registration of funeral directors and embalmers:			
Personal services:			
Other	\$ 1,000		\$ 1,000
Current expenses	675		675

FISCAL 1972

FISCAL 1973

Travel:			
In state	400		400
Out of state	350		350
Other expenditures:			
Training and education	450		450
Total for board of registration of funeral directors and embalmers		\$ 2,875bk	\$ 2,875bk
IX Hairdressers:			
Personal services:			
Permanent	\$ 14,600		\$ 14,651
Other	1,900		1,900
Current expenses	3,000		3,000
Travel:			
In state	2,000		2,000
Out of state	350		350
Other expenditures:			
Teachers seminar	500		500
Total	\$ 22,350		\$ 22,401
Less transfer from barbers board	2,500		2,500
Net appropriation for board of hair- dressers		\$ 19,850bk	\$ 19,901bk
X Registration of land surveyors:			
Personal services:			
Other	\$ 3,100		\$ 3,100
Current expenses	860		860
Travel:			
In state	500		500

Equipment		180	80
Total for board of registration of land surveyors			\$ 4,540bk
XI Registration in medicine:			
Personal services:			
Other		\$ 2,530	\$ 2,530
Current expenses		5,825	6,375
Travel:			
In state		175	175
Out of state		700	700
Equipment		500	—
Total for board of registration in medicine			\$ 9,780bk
XII Registration in optometry:			
Personal services:			
Other		\$ 580	\$ 580
Current expenses		355	355
Travel:			
In state		150	150
Out of state		250	250
Total for board of registration in optometry			\$ 1,335bk
XIII Registration in podiatry:			
Personal services:			
Other		\$ 200	\$ 200
Current expenses		150	150
Travel:			
In state		50	50
Total for board of registration in podiatry			\$ 400bk
			\$ 400bk
			823

	FISCAL 1972	FISCAL 1973
XIV Psychologists:		
Personal services:		
Other	\$ 75	\$ 75
Current expenses	250	250
Travel:		
In state	50	50
Out of state	50	50
Total for board of psychologists	\$ 425bk	\$ 425bk
XV Veterinary examiners:		
Personal services:		
Other	\$ 950	\$ 950
Current expenses	225	225
Travel:		
Out of state	100	100
Other expenditures:		
Investigations	200	200
Total for board of veterinary examiners	\$ 1,475	\$ 1,475
Net appropriation for boards	\$ 90,465	\$ 88,366
557: 13 Cancer commission:		
Personal services:		
Permanent	\$ 15,788	\$ 16,279
Other	22,000	22,000
Current expenses	72,015	72,015
Travel:		
In state	800	800
Total for cancer commission	\$110,603bk	\$111,094bk

557: 14 Centralized automated data processing:		
Salary of director	\$ 23,956	\$ 25,040
Salary of deputy director	18,916	19,369
Salary of manager of information systems programming	18,230	18,900
Salary of manager of computer operations	14,900	15,700
Other personal services:		
Permanent	354,318	369,565
Other	2,000	2,000
Current expenses	100,000	212,000
Travel:		
In state	1,500	1,500
Out of state	1,500	1,500
Other expenditures:		
Miscellaneous	2,500	2,500
Computer implementation (Test Time)	11,360a	7,500a
Expenses relative to and updating of statutory retrieval systems	6,000g	6,000
Total	\$ 555,180	\$ 681,574
Less estimated federal funds	57,139	166,887
Net appropriation for centralized automated data processing	\$ 498,041	\$ 514,687
557: 15 Civil air patrol:		
Current expenses	\$ 15,000	\$ 15,000
557: 16 Civil defense:		
I Administration:		
Personal services:		
Permanent	\$ 77,183	\$ 77,304

	FISCAL 1972	FISCAL 1973
Current expenses	7,000	7,000
Travel:		
In state	25	25
Out of state	100	100
Other expenditures	800bm	800bm
Total	\$ 85,108	\$ 85,229
II Field Staff:		
Travel:		
In state	3,000	3,000
Out of state	250	250
Total	\$ 3,250	\$ 3,250
Total for civil defense	\$ 88,358bn	\$ 88,479bn
Less estimated federal reimbursement	44,179bn	44,239bn
Net appropriation for civil defense	\$ 44,179	\$ 44,240
557:17 Commissions:		
I State athletic commission:		
Personal services:		
Other	425	425
Current expenses	75	75
Travel:		
In state	200	200
Equipment	85	—
Total for state athletic commission	\$ 785bk	\$ 700bk
II Pharmacy commission:		
Personal services:		
Other	11,504	11,723

Current expenses	1,000				
Travel:					
In state	950				
Total for pharmacy commission		\$ 13,454bk			\$ 13,673bk
Total for commissions		\$ 14,239			\$ 14,373
557: 18 Coordinating board of advanced education and accreditation:					
Salary of executive secretary	\$ 7,000		\$ 7,000		
Other personal services:					
Other	3,965				3,965
Current expenses	1,200				1,200
Travel:					
In state	200				200
Out of state	170				170
Total for coordinating board of advanced education and accreditation		\$ 12,535			\$ 12,535
557: 19 Board of education:					
I Administration:					
Salary of commissioner	\$ 22,384		\$ 22,439		
Salary of deputy commissioner	19,092		19,092		
Other personal services:					
Permanent	272,008		275,011		
Current expenses	24,500		24,500		
Travel:					
In state	7,463		7,463		
Out of state	2,019		2,019		
Other expenditures:					
Computer implementation	4,300		9,600		
Total		\$ 351,766			\$ 360,124

	FISCAL 1972	FISCAL 1973
II Adult basic education:		
Personal services:		
Permanent	\$ 18,765	\$ 18,984
Current expenses	3,500	3,500
Travel:		
In state	700	700
Out of state	350	350
Other expenditures:		
Employees' benefits	1,200	1,200
Grants to districts	76,834	76,834
Total	<u>\$ 101,349</u>	<u>\$ 101,568</u>
Less estimated federal funds	91,214	91,411
Net appropriation	\$ 10,135	\$ 10,157
III Aids to districts:		
(a) Child benefit service aid—dual enrollment	\$ 523,742	\$ 438,777
(b) Foundation aid	2,597,606a	2,694,078a
(c) Reorganization incentive aid	268,363	307,088
(d) School building construction	2,020,842bp	2,093,180bp
Net appropriation	<u>\$5,410,553</u>	<u>\$5,533,123</u>
(e) State wide supervision:		
Other expenditures:		
Salaries and travel of superintendents, assistant superintendents, and teacher consultants	\$1,872,096z	\$2,089,396z
Superintendents' conference	1,229	1,229
Total	<u>\$1,873,325</u>	<u>\$2,090,625</u>
Less revenue from school districts	1,593,331	1,810,631
Net appropriation	\$ 279,994	\$ 279,994

(f) Unorganized districts aid:				
Tuition and transportation	\$ 27,000	\$ 30,000		
Less estimated revenue	27,000bo	30,000bo		
Net appropriation	\$ 0	\$ 0		
Total for aid to districts		\$5,690,547		\$5,813,117
IV Alcohol and drug abuse:				
Personal services:				
Permanent	\$ 16,281		\$ 17,208	
Other	829		829	
Current expenses	2,500		2,500	
Travel:				
In state	1,200		1,200	
Out of state	300		300	
Equipment	350		—	
Other expenditures:				
Workshops and conferences	3,500		3,850	
Total		\$ 24,960		\$ 25,887
V Board of nursing education and nurse registration:				
Personal services:				
Permanent	\$ 33,844		\$ 33,844	
Other	1,000		1,000	
Current expenses	9,000		9,000	
Travel:				
In state	500		500	
Out of state	900		900	
Equipment	1,337		—	
Other expenditures:				
Board members' travel—in state	300		300	
Employees' benefits	2,500		2,550	

	FISCAL 1972	FISCAL 1973
Nursing scholarship RSA 326	43,900	43,900
Cost of administration	878	878
Total	<u>\$ 94,159</u>	<u>\$ 92,872</u>
Less estimated revenue and balance	49,381	48,094
Net appropriation	<u>\$ 44,778</u>	<u>\$ 44,778</u>
VI Civil defense education:		
Personal services:		
Permanent	\$ 15,684	\$ 15,904
Other	1,000	1,000
Current expenses	4,900	4,900
Travel:		
In state	1,060	1,240
Out of state	600	600
Other expenditures:		
Oasi, retirement and insurance	1,568	1,590
Total	<u>\$ 24,812</u>	<u>\$ 25,234</u>
Less estimated federal funds	24,812	25,234
Net appropriation	<u>\$ 0</u>	<u>\$ 0</u>
VII Disability determinations—		
federal:		
Personal services:		
Permanent	\$ 79,567	\$ 92,721
Other	3,000	3,000
Current expenses	13,457	15,842
Travel:		
In state	600	700
Out of state	1,880	2,160
Equipment	3,269	2,594

Other expenditures:					
Oasi, retirement and insurance	8,257			9,572	
Medical consultations and ex-					
aminations	71,400			81,900	
Clients' travel	3,400			3,900	
Total	\$ 184,830			\$ 212,389	
Less estimated federal funds	184,830			212,389	
Net appropriation	\$	0		\$	0
VIII Driver and safety education:					
Personal services:					
Permanent	\$ 18,638			\$ 18,849	
Current expenses	400			400	
Travel:					
In state	1,000			1,000	
Out of state	300			300	
Equipment	2,900			—	
Other expenditures:					
Curriculum development, con-					
ferences and workshops	1,000			1,000	
Employees' benefits	1,600			1,650	
Total	\$ 25,838			\$ 23,199	
Less transfer from safety initial plate					
fund	25,838			23,199	
Net appropriation	\$	0		\$	0
IX Education of handicapped chil-					
dren:					
Personal services:					
Permanent	\$ 20,189			\$ 20,189	
Current expenses	790			790	

	FISCAL 1972	FISCAL 1973
Travel:		
In state	659	659
Out of state	220	220
Other expenditures:		
Grants to approved programs for handicapped children	866,117	866,117
Total	\$ 887,975	\$ 887,975
X Elementary and secondary education acts:		
(a) Title I:		
Personal services:		
Permanent	\$ 84,365	\$ 84,898
Other	4,000	4,000
Current expenses	11,600	11,900
Travel:		
In state	3,550	3,550
Out of state	2,500	2,500
Equipment	1,600	1,420
Other expenditures:		
Employees' benefits	8,000	8,000
Distribution to school districts	1,420,000	1,420,000
State operated schools for handicapped children	200,000	200,000
Delinquent children in institutes	51,000	51,000
Education dissemination and needs assessment	34,385	33,732
Total	\$1,821,000	\$1,821,000
Less estimated federal funds	1,821,000	1,821,000
Net appropriation	\$ 0	\$ 0

(b) Title II:				
Personal services:				
Permanent	\$ 29,763	\$ 30,692		
Other	1,000	1,000		
Current expenses	3,600	3,600		
Travel:				
In state	1,900	1,900		
Out of state	850	850		
Equipment	1,180	—		
Other expenditures:				
Employees' benefits	3,000	3,100		
Conference and curriculum studies	1,500	1,500		
Reimbursement to school districts	250,000	300,000		
Total	<u>\$ 292,793</u>	<u>\$ 342,642</u>		
Less estimated federal funds	292,793	342,642		
			\$	0
Net appropriation				
(c) Title III:				
Personal services:				
Permanent	\$ 63,942	\$ 64,416		
Other	2,000	2,000		
Current expenses	8,000	9,000		
Travel:				
In state	3,600	3,600		
Out of state	1,800	1,800		
Equipment	2,000	2,000		
Other expenditures:				
Employees' benefits	6,400	6,400		
Conferences, evaluation dissemination	69,174	67,700		

	FISCAL 1972	FISCAL 1973
Reimbursement to school districts	500,000	525,000
Total	<u>\$ 656,916</u>	<u>\$ 681,916</u>
Less estimated federal funds	650,000	675,000
Net appropriation (d) Title IV:	\$ 6,916	\$ 6,916
Personal services:		
Permanent	\$ 61,338	\$ 62,076
Other	19,460	4,084
Current expenses	6,950	6,950
Travel:		
In state	3,000	3,000
Out of state	3,400	3,400
Equipment	1,000	—
Other expenditures:		
Employees' benefits	6,134	6,208
Conference and workshops	2,500	2,500
Total	<u>\$ 103,782</u>	<u>\$ 88,218</u>
Less estimated federal funds	103,782	88,218
Net appropriation (e) Title V:	\$ 0	\$ 0
Personal services:		
Permanent	\$ 216,115	\$ 218,364
Other	5,000	3,377
Current expenses	38,493	38,250
Travel:		
In state	8,400	8,400
Out of state	7,700	7,700
Equipment	1,355	780

Other expenditures:			
Employees' benefits	22,213	22,469	
Conferences and workshops	3,100	3,000	
Total	<u>\$ 302,376</u>	<u>\$ 302,340</u>	
Less estimated federal funds	271,088	271,088	
Net appropriation	\$ 31,288	\$ 31,252	
(f) Title VI:			
Personal services:			
Permanent	\$ 30,109	\$ 46,623	
Other	20,000	20,000	
Current expenses	3,950	4,215	
Travel:			
In state	2,000	3,000	
Out of state	900	1,350	
Equipment	491	1,235	
Other expenditures:			
Employees' benefits	3,011	4,686	
Distribution to school districts and projects	139,539	118,891	
Total	<u>\$ 200,000</u>	<u>\$ 200,000</u>	
Less estimated federal funds	200,000	200,000	
Net appropriation	\$ 0	\$ 0	
(g) Federal program audit:			
Personal services:			
Permanent	\$ 16,890	\$ 17,935	
Travel:			
In state	2,400	2,400	
Out of state	500	—	
Equipment	700	—	

	FISCAL 1972	FISCAL 1973
Other expenditures:		
Employees' benefits	1,500	1,793
Total	<u>\$ 21,990</u>	<u>\$ 22,128</u>
Less estimated federal funds	21,990	22,128
Net appropriation	<u>\$ 0</u>	<u>\$ 0</u>
Total for elementary and secondary education acts	<u>\$ 38,204</u>	<u>\$ 38,168</u>
XI Fire service training:		
Personal services:		
Permanent	\$ 15,647	\$ 16,089
Other	1,000	1,000
Current expenses	2,000	2,000
Travel:		
In state	1,400	1,400
Out of state	200	200
Equipment	4,000	—
Other expenditures:		
District training, training institute, and training aid and equipment	18,287	22,287
Employees' benefits	1,250	1,250
Total	<u>\$ 43,784</u>	<u>\$ 44,226</u>
Less estimated federal funds	21,892	22,113
Net appropriation	<u>\$ 21,892</u>	<u>\$ 22,113</u>
XII Manpower development and training:		
Personal services:		
Permanent	\$ 46,752	\$ 47,740

Other	1,800			
Current expenses	5,000			
Travel:				
In state	3,000			
Out of state	500			
Equipment	1,266			
Other expenditures:				
Oasi, retirement and insurance	4,674			
Approved projects and in service	450,000			
Total	<u>\$ 512,992</u>			
Less estimated federal funds	509,992			
Net appropriation		\$	3,000	
XIII National defense education acts:				
Title III:				
Personal services:				
Permanent	\$ 18,398			
Current expenses	1,800			
Travel:				
In state	900			
Out of state	450			
Other expenditures:				
Oasi, retirement and insurance	1,839			
Curriculum studies and conferences	1,500			
Reimbursements to school districts	250,000			
Total	<u>\$ 274,887</u>			
Less estimated federal funds	262,443			
Net appropriation		\$	12,444	
				\$ 12,444

FISCAL 1973

\$	17,129
738,534	
31,000	
308,000	
2,500	
1,200	
29,500	
15,000	
18,000	
<u>\$1,160,863</u>	
\$	135,000
80,000	
16,600	
58,000	
30,000	
3,000	
10,400	
18,000	
41,322	
<u>\$ 392,322</u>	
	\$ 768,541x

FISCAL 1972

\$	17,129
716,998	
31,000	
278,000	
2,500	
1,200	
29,500	
15,000	
18,000	
<u>\$1,109,327</u>	
\$	135,000
80,000	
16,600	
58,000	
30,000	
3,000	
10,400	
18,000	
—	
<u>\$ 351,000</u>	
	\$ 758,327x

XIV New Hampshire technical institute—Concord

Salary of director

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Other expenditures:

Evening and summer school

Grants to students

Federal grants

Total

Less estimated revenue:

Tuition

Room and board

Cafeteria

Textbooks and supplies

Evening school and summer session

Miscellaneous

Work study—federal

Federal grants

Women's residence

Total

Net appropriation

XV New Hampshire vocational institutes

(a) Berlin:

Personal services:		
Permanent	\$ 369,385	\$ 393,268
Other	18,000	22,000
Current expenses	88,000	100,000
Travel:		
In state	1,500	1,700
Out of state	500	500
Equipment	29,000	26,000
Other expenditures:		
Evening—summer instruction	20,000	24,000
Total	<u>\$ 526,385</u>	<u>\$ 567,468</u>
Less estimated revenue:		
Tuition	\$ 83,900	\$ 88,000
Cafeteria	19,500	22,000
Evening and summer school	21,000	24,000
Textbooks and supplies	18,000	20,000
Federal grants	8,000	8,000
Total	<u>\$ 150,400</u>	<u>\$ 162,000</u>
Net appropriation		\$ 405,468x
(b) Claremont:		
Personal services:		
Permanent	\$ 288,771	\$ 293,537
Other	18,500	18,500
Current expenses	59,000	59,000
Travel:		
In state	2,500	2,500
Out of state	250	250
Equipment	100	100
Other expenditures:		
Evening—summer instruction	15,000	15,000
Total	<u>\$ 384,121</u>	<u>\$ 388,887</u>

FISCAL 1973

FISCAL 1972

Less estimated revenue:		
Tuition	55,700	
Textbooks and supplies	12,000	
Evening and summer school	15,000	
Federal funds	5,000	
Vending machines	50	
Miscellaneous	700	
Total	<u>\$ 88,450</u>	<u>\$300,437dg</u>
Net appropriation		
(c) Laconia:		
Personal services:		
Permanent	\$ 283,503	
Other	14,000	
Current expenses	64,000	
Travel:		
In state	1,000	
Out of state	250	
Equipment	100	
Other expenditures:		
Evening—summer instruction	13,400	
Total	<u>\$ 376,253</u>	
Less estimated revenue:		
Tuition	\$ 42,000	
Textbooks and supplies	13,250	
Evening school	13,400	
Miscellaneous	350	
Vending machines	150	
Federal work study	6,000	
Total	<u>\$ 75,150</u>	<u>\$301,103dg</u>
Net appropriation		
	\$ 302,776dg	

(d) Manchester:		
Personal services:		
Permanent	\$ 299,305	\$ 301,376
Other	13,000	13,000
Current expenses	107,000	107,000
Travel:		
In state	800	800
Out of state	250	250
Equipment	5,000	5,000
Other expenditures:		
Evening—summer school	24,000	24,000
Total	<u>\$ 449,355</u>	<u>\$ 451,426</u>
Less estimated revenue:		
Tuition	62,700	\$ 62,700
Textbooks and supplies	17,000	17,000
Work study federal	3,200	3,200
Evening school	24,000	24,000
Cafeteria	15,000	15,000
Miscellaneous	300	300
Total	<u>\$ 122,200</u>	<u>\$ 122,200</u>
Net appropriation		\$ 329,226x
(e) Nashua:		
Personal services:		
Permanent	\$ 243,844	\$ 254,672
Other	11,000	11,000
Current expenses	53,000	53,000
Travel:		
In state	700	700
Out of state	250	250
Equipment	100	100

FISCAL 1972

FISCAL 1973

Other expenditures:		
Evening—summer school	10,000	15,000
Total	<u>\$ 318,894</u>	<u>\$ 334,722</u>
Less estimated revenue:		
Tuition	51,000	58,000
Books and supplies	10,225	13,350
Evening school	10,000	15,000
Miscellaneous	250	250
Work study—federal	6,400	6,400
Total	<u>\$ 77,875</u>	<u>\$ 93,000</u>
Net appropriation		\$241,722dg
(f) Portsmouth:	\$ 241,019dg	
Personal services:		
Permanent	\$ 258,316	\$ 261,133
Other	18,500	18,500
Current expenses	59,000	59,000
Travel:		
In state	1,500	1,500
Out of state	250	250
Equipment	2,600	2,600
Other expenditures:		
Evening and summer school	20,000	20,000
Total	<u>\$ 360,166</u>	<u>\$ 362,983</u>
Less estimated revenue:		
Tuition	52,900	52,900
Textbooks and supplies	8,000	8,000
Evening school	20,000	20,000
Federal funds—work study	6,400	6,400

Cafeteria	8,500				
Miscellaneous	100				
Total	<u>\$ 95,900</u>				<u>\$ 95,900</u>
Net appropriation		<u>\$ 264,266x</u>			<u>\$ 267,083x</u>
Total for New Hampshire vocational institutes		<u>\$1,805,159</u>			<u>\$1,845,039</u>
XVI Public information:					
Personal services:					
Permanent	\$ 15,602			\$ 16,531	
Current expenses	2,000			2,000	
Travel:					
In state	900			900	
Out of state	450			450	
Equipment	1,546			—	
Other expenditures:					
Employees' benefits	1,560			1,653	
Conferences, studies, in-service education, workshops	1,000			1,000	
Total	<u>\$ 23,058</u>			<u>\$ 22,534</u>	
Less estimated federal funds	23,058			22,534	
Net appropriation		<u>\$ 0</u>			<u>\$ 0</u>
XVII Scholarships for war orphans:		<u>\$ 2,371</u>			<u>\$ 2,371</u>
XVIII School nutrition:					
(a) Child feeding	\$ 384,760			\$ 423,236	
(b) Non-food assistance	58,000			52,000	
(c) School breakfast	97,625			107,390	
(d) School lunch	908,992			1,009,008	

	FISCAL 1972	FISCAL 1973
(e) Special assistance	509,390	560,350
(f) Special milk	470,000	490,000
(g) State administrative expense	12,900	14,300
Total	<u>\$2,441,667</u>	<u>\$2,656,284</u>
Less estimated federal funds	<u>2,344,275c</u>	<u>2,548,176c</u>
Net appropriation	\$ 97,392	\$ 108,108
XIX Vocational education acts:		
Personal services:		
Permanent	\$ 291,620	\$ 294,929
Other	1,500	1,500
Current expenses	17,000	17,000
Travel:		
In state	8,400	8,400
Out of state	3,700	3,700
Equipment	4,590	515
Other expenditures:		
Oasi, retirement and insurance	26,400	27,400
Area vocational schools	58,239	58,239
Reimbursement to local school districts, state institutes, teacher education, research, construction, equipment and other expenditures as permitted by vocational education acts	1,272,122	1,275,196
Apprentice training—state	8,780	8,780
Apprentice training—federal	8,780	8,780
Total	<u>\$1,701,131</u>	<u>\$1,704,439</u>
Less estimated federal funds	<u>1,519,178</u>	<u>1,522,132</u>
Net appropriation	\$ 181,953	\$ 182,307

XX Vocational rehabilitation:

(a) Blind rehabilitation:

Personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Other expenditures:

Case services

Business enterprises

Employee benefits

Total

Less estimated federal funds

Net appropriation

(b) Blind services:

Permanent

Current expenses

Travel:

In state

Out of state

Other expenditures:

Education of blind

Total

(c) Blind workshop:

Personal services:

Permanent

Current expenses

Travel:

In state

Total

\$	52,612	\$	53,418
	3,160		3,160
	4,140		4,140
	470		470
	23,339		22,839
	2,640		2,640
	5,000		5,500
\$	91,361	\$	92,167
	73,089		73,734
\$	18,272	\$	18,433
\$	36,027	\$	36,246
	2,200		2,200
	2,596		2,596
	307		307
	59,305		59,305
\$	100,435	\$	100,654
\$	39,766	\$	40,595
	16,478		16,478
	700		700
\$	56,944	\$	57,773

FISCAL 1973

FISCAL 1972

(d) Cooperative program:

Personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Employees' benefits

Other

Total

Less estimated federal funds

Net appropriation

(e) Vocational rehabilitation:

Personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Other expenditures:

Oasi, retirement and insurance

Case services

Total

Less estimated federal funds

Net appropriation

\$ 522,862

19,824

15,836

6,493

—

52,416

365,280

\$ 982,711

982,711^c

\$

0

\$ 341,104

66,610

17,832

2,269

35,053

332,683

\$ 795,551

636,441^y

\$

\$ 159,110

\$

0

\$ 334,133

66,610

17,832

2,269

35,053

332,683

\$ 788,580

630,864^y

\$

\$ 157,716

(f) In-service training	\$	4,500			\$	5,000		
Less estimated federal funds		<u>4,050</u>				<u>4,500</u>		
Net appropriation			\$	450			\$	500
(g) John Nesmith fund:				3,700				3,700
(h) Social security trust fund:								
Personal services:								
Permanent	\$	13,837			\$	14,288		
Current expenses		<u>2,070</u>				<u>2,070</u>		
Travel:								
In state		2,293				2,293		
Out of state		356				356		
Other expenditures:								
Employees' benefits		1,384				1,429		
Case services		<u>83,000</u>				<u>88,000</u>		
Total	\$	102,940			\$	108,436		
Less estimated federal funds		<u>102,940</u>				<u>108,436</u>		
Net appropriation	\$		\$	0	\$		\$	0
Total for vocational rehabilitation					\$	337,517		\$ 340,170
Total								
Less estimated revenue:								
Literary fund					\$10,268,420			\$10,464,299
					<u>18,000</u>			<u>18,000</u>
Net appropriation for board of education								
					\$10,250,420			\$10,446,299
557: 20 Higher education facilities commission:								
Personal services:								
Other	\$	14,000			\$	14,500		14,500
Current expenses		<u>2,000</u>				<u>2,000</u>		2,000

FISCAL 1973

FISCAL 1972

Travel:		
In state	200	
Out of state	1,500	
Total	\$ 17,700	\$ 18,200
Less estimated federal funds	17,700	18,200
Net appropriation for higher education facilities commission	\$ 0	\$ 0
557: 21 Higher education fund:		
I University of New Hampshire	\$6,911,642	\$7,230,225
II Keene state college	1,102,649	1,144,572
III Merrimack valley	65,000	75,000
IV Plymouth state college	962,497	1,038,440
V Debt service	3,786,952br	3,728,821br
Total for higher education fund	\$12,828,740bs	\$13,217,058bs
557: 22 Extension work in counties	\$ 111,400a	\$ 111,400a
557: 23 Educational TV	\$ 350,000	\$ 350,000
557: 24 Fish and game department:		
I Administration:		
Salary of director	\$ 17,309	\$ 17,309
Other personal services:		
Permanent	125,197	126,808
Other	1,500	1,500

Current expenses	75,000		75,000
Travel:			
In state	880		880
Out of state	985		985
Equipment	3,045		4,145
Other expenditures:			
Oasi	50,760		52,760
Blue cross and insurance	9,240		9,240
Employees' Retirement	69,667		71,719
Total		\$ 353,583	\$ 360,346
II Bobcat bounties		\$ 2,000a	\$ 2,000a
III Commission:			
Current expenses			
Travel:			
In state	\$ 50		\$ 50
Out of state	1,200		1,200
	1,265		1,265
Total		\$ 2,515	\$ 2,515
IV Conservation officers:			
Personal services:			
Permanent			
Other	\$ 429,078		\$ 441,814
Current expenses	16,015		16,246
Travel:	45,865bt		45,865bt
In state	65,100		66,100
Out of state	900		900
Equipment	61,400		118,640
Total		\$ 618,358	\$ 689,565
V Damage:			
Personal services:			
Permanent	\$ 16,757		\$ 17,173

	FISCAL 1972	FISCAL 1973
Other		
Current expenses	4,000	3,700
Travel:	9,935	9,935
In state	800	800
Out of state	195	195
Equipment	1,600	2,400
Other expenditures:		
Damage grants	5,500	5,500
Total	\$ 38,787	\$ 39,703
VI Information and education division:		
Personal services:		
Permanent	\$ 46,112	\$ 47,582
Other	1,200	1,200
Current expenses	48,000	54,000
Travel:		
In state	400	400
Out of state	850	850
Equipment	6,000	180
Other expenditures:		
Shows	4,000	4,000
Total	\$ 106,562	\$ 108,212
VII Inland fisheries (propagation of fish):		
Personal services:		
Permanent	\$ 494,450	\$ 504,701
Other	15,004	15,004
Current expenses	160,000	180,000
Travel:		

In state	6,325		
Out of state	2,566		
Equipment	65,960		
Other expenditures:			
Connecticut river anadromous fish contract	10,000		
Aerial stocking contract	1,200		
Total		\$ 755,505	\$ 757,426
VIII Maintenance and construction:			
Personal services:			
Permanent	\$ 144,098		\$ 145,814
Other	15,000		15,000
Current expenses	66,095		66,095
Travel:			
In state	5,700		5,700
Out of state	600		600
Equipment	17,009		16,555
Other expenditures:			
Land acquisition	180,000f		180,000f
Adams Point property	5,000		5,000
Hatchery expansion	25,000		25,000
Total		\$ 458,502	\$ 459,764
IX Management and research:			
Personal services:			
Permanent	\$ 145,976		\$ 147,948
Other	3,145		3,145
Current expenses	19,775		16,275
Travel:			
In state	1,725		1,725
Out of state	1,450		1,450
Equipment	6,035		8,750

	FISCAL 1972	FISCAL 1973
Other expenditures:		
UNH and Dartmouth projects	15,000	15,000
Cooperative waterflow banding	2,060	2,060
New England wildlife research lab	5,000	5,000
Economic survey	2,000	2,000
Statewide planning study	5,000	10,000
Total	\$ 207,166	\$ 213,353
X Propagation of game and game birds:		
Personal services:		
Permanent	\$ 27,613	\$ 28,011
Current expenses	16,950	15,900
Travel:		
In state	100	100
Out of state	140	90
Equipment	4,175	360
Other expenditures:		
Propagation and restoration of game birds	30,000 ^a	30,000 ^a
Total	\$ 78,978	\$ 74,461
Total fish and game	\$2,621,956 ^{bu}	\$2,707,345 ^{bu}
Less revenue and balance	2,621,956 ^{bu}	2,707,345 ^{bu}
Net appropriation for fish and game department	\$ 0	\$ 0
XI Marine fisheries:		
Enforcement division		
Personal services:		

Permanent	\$ 19,703	\$ 38,453	\$ 42,402
Other	1,500		
Current expenses	6,000		
Travel:			
In state	6,000		
Out of state	250		
Equipment	5,000		
Total		\$ 38,453	\$ 42,402
XII Fisheries division:			
Personal services:			
Permanent	\$ 29,208		
Other	4,500		
Current expenses	16,100		
Travel:			
In state	1,000		
Out of state	1,545		
Equipment	10,580		
Other expenditures:			
Commercial fish ladder construction AFC	25,000		
U.N.H. contract 3-105-R	1,000		
Coho project	13,200		
Atlantic states marine	700		
Total		\$ 102,833	\$ 98,450
Total marine fisheries	\$ 141,286bu		\$140,852bu
Less revenue and balance	141,286bu		140,852bu
Net appropriation for marine fisheries	\$ 0		\$ 0

557:25 Department of health and welfare:

I Office of commissioner of health and welfare:

Salary of commissioner

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Other expenditures:

Oasi, retirement and insurance

Total for office of commissioner

II Advisory commission:

Personal services:

Other

Current expenses

Travel:

In state

Out of state

Total for advisory commission

III Comprehensive health planning:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

FISCAL 1972

FISCAL 1973

\$ 20,301

\$ 20,682

282,339

285,589

2,500

2,500

52,559

51,943

200

200

400

400

26,150

27,500

\$ 384,449

\$ 388,814

\$ 536

\$ 536

675

675

1,750

1,750

200

200

\$ 3,161

\$ 3,161

\$ 44,648

\$ 45,141

5,300

5,500

4,929

4,936

2,800

2,800

Out of state Equipment	1,200	1,200		
Other expenditures:	1,700	500		
Oasi, retirement, blue cross and insurance	3,236	3,736		
Contractual agreements	23,000	23,000		
Total	\$ 86,813	\$ 86,813		
Less estimated federal funds	76,800	76,800		
Net appropriation for comprehensive health planning			\$ 10,013	\$ 10,013
IV Division of mental health:				
(a) Administration:				
(1) Office of director:				
Salary of director	\$ 33,927	\$ 33,927		
Other personal services:				
Permanent	31,597	31,597		
Current expenses	5,225	5,225		
Travel:				
In state	500	500		
Out of state	1,000	1,000		
Total	\$ 72,249	\$ 72,249		
(2) Office of community mental health services:				
Personal services:				
Permanent	\$ 18,595	\$ 18,595		
Current expenses	1,100	1,100		
Travel:				
In state	400	400		
Out of state	250	250		
Total	\$ 20,345	\$ 20,345		
				\$ 20,345
				855

FISCAL 1973

FISCAL 1972

(3) Other expenditures:		
Grants to community mental health services	\$ 829,865aa	
Less federal funds	82,800	
Net appropriation		\$ 747,065
(4) Bureau of family care:		
Personal services:		
Permanent	\$ 30,166	
Current expenses	1,350	
Travel:		
In state	750	
Out of state	100	
Other expenditures:		
Payments for family care homes	50,000ab	
Total		\$ 82,366
(5) Office of mental retardation:		
Personal services:		
Permanent	\$ 87,942	
Current expenses	3,000	
Travel:		
In state	2,800	
Out of state	369	
Other expenditures:		
Grants to community development centers for mentally retarded	50,000	
Interim care funds	30,000	
Total for office of mental retardation		\$ 174,111
Total for administration		<u>\$1,096,136</u>

(b) Laconia state school:

(1) Administration:

Salary of superintendent	\$ 22,324	\$ 22,324
Salary of deputy superintendent	24,570	24,570
Other personal services:		
Permanent	113,622	114,271
Current expenses	3,600	3,600
Travel:		
In state	750	750
Out of state	500	500
Equipment	1,400	3,100
Total	\$ 166,766	\$ 169,115

(2) Agriculture:

Personal services:		
Permanent	\$ 82,045	\$ —
Other	750	—
Current expenses	32,300	—
Travel:		
In state	25	—
Equipment	18,000	—

Total	\$ 133,120 ^{ai}	\$ —
Less credit transfers	17,000	—
Less estimated revenue	42,000	—

Net appropriation

	\$ 74,120	\$ —
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(3) Custodial care:

Personal services:		
Permanent	\$ 351,098	\$ 355,865
Other	2,000	2,000
Current expenses	71,798	72,698
Purchases from institution's farm	17,000 ^{ac}	—
Purchases of food	175,740 ^a	203,852 ^a

	FISCAL 1972	FISCAL 1973
Travel:		
In state	100	100
Equipment	9,000	2,000
Total	\$ 626,736	\$ 636,515
(4) Maintenance of plant:		
Personal services:		
Permanent	\$ 62,412	\$ 109,716
Current expenses	22,000	32,000
Equipment	2,385	—
Other expenditures:		
Contractual repairs	75,000 ^g	—
Total	\$ 161,797	\$ 141,716
Less estimated revenue	—	12,000
Net appropriation	\$ 161,797	\$ 129,716
(5) Operation of plant:		
Personal services:		
Permanent	\$ 107,652	\$ 107,802
Current expenses	157,050	159,050
Equipment	3,020	1,300
Total	\$ 267,722	\$ 268,152
(6) Professional care and treatment:		
Personal services:		
Permanent	\$1,665,100	\$1,700,116
Other	20,000	20,000
Current expenses	36,000	36,000

Travel:			
In state	1,500	1,500	
Equipment	9,000	3,500	
Total			\$1,761,116
(7) Training and education:			
Personal services:			
Permanent			
Other	\$ 320,264	\$ 323,753	
Current expenses	7,300	7,300	
Travel:	8,550	8,550	
In state	600	600	
Equipment	2,500	2,500	
Other expenditures:			
Work incentive program	5,000	5,000	
Total			\$ 347,703
(8) Inservice training:			
Personal services:			
Other	\$ 21,800	\$ —	
Current expenses	1,000	—	
Travel:			
In state	200	—	
Out of state	250	—	
Other expenditures:			
Tuition and fees	500	—	
Total			
Less estimated federal revenue	\$ 23,750		
	23,750		
Net appropriation			\$ —
(9) Title I—work training:			
Personal services:			
Other	\$ 86,089	\$ —	
Current expenses	200	—	

FISCAL 1973

FISCAL 1972

Travel:		
In state	100	—
Out of state	100	—
Equipment	500	—
Other expenditures:		
Special projects	1,000	—
Oasi	4,531	—
Total	\$ 92,520	
Less estimated federal funds	92,520	
Net appropriation	\$ 0	\$ —
(10) Hospital improvement:		
Personal services:		
Other	\$ 88,285	\$ 88,285
Current expenses	1,565	1,565
Travel:		
Out of state	150	150
Other expenditures:		
Indirect costs	10,000	10,000
Total	\$ 100,000	\$ 100,000
Less estimated federal funds	100,000	100,000
Net appropriation	\$ 0	\$ 0
Total for Laconia state school	\$3,372,955	\$3,312,317
Less refunds (maintenance)	13,000	13,000
Net appropriation for Laconia state school	\$3,359,955	\$3,299,317

(c) New Hampshire hospital:

(1) Administration:

Salary of superintendent	\$ 31,416	\$ 31,416
Salary of assistant superintendent	20,922	20,922
Other personal services:		
Permanent	307,074	310,666
Other	1,500	1,500
Current expenses	44,000	44,000
Travel:		
In state	200	200
Out of state	1,000	1,000
Equipment	1,600	700
Total for administration	\$ 407,712	\$ 410,404

(2) Agriculture:

Personal services:		
Permanent	\$ 101,617	\$ 41,037
Other	2,600	2,600
Current expenses	55,430	55,430
Total	\$ 159,647	\$ 99,067 ^a
Less credit transfers	110,000	—
Less estimated revenue	24,200	24,200
Net appropriation	\$ 25,447	\$ 74,867

(3) Custodial care:

Personal services:		
Permanent	\$ 982,798	\$ 999,313
Other	10,000	10,000
Current expenses	785,000 ^{ac}	795,000
Equipment	17,500	17,500
Total	\$1,795,298	\$1,821,813

FISCAL 1972

FISCAL 1973

(4) Maintenance of plant:

Personal services:

Permanent

Other

Current expenses

Equipment

Other expenditures:

Special maintenance projects

Total

(5) Operation of plant:

Personal services:

Permanent

Other

Current expenses

Equipment

Total

(6) Professional care and treatment:

Personal services:

Unclassified

Permanent

Other

Current expenses

Drugs:

Out patients

In patients

Travel:

In state

Out of state

Equipment

\$ 364,684

600

80,000

3,000

90,000a

\$ 538,284

\$ 251,860

18,800

362,565

20,000

\$ 653,225

\$ 353,385

4,248,332

120,000

71,000ad

40,000ae

120,000a

4,200

2,500

18,000

\$ 367,416

600

80,000

2,500

—

\$ 450,516

\$ 254,118

18,800

362,365

20,000

\$ 655,283

\$ 354,528

4,305,793

145,000

70,000ad

45,000ac

120,000a

4,200

2,500

9,000

Other expenditures:			
Research	\$ 33,517	\$ 35,474	\$5,091,495
Total			
(7) Childrens services:			
Personal services:			
Permanent	\$ 360,247	\$ 370,862	
Other	500	500	
Current expenses	14,100	14,100	
Travel:			
Out of state	350	350	
Equipment	1,500	1,000	
Other expenditures:			
Consultants	5,000	5,000	
Total			\$ 391,812
(8) Hospital staff development:			
Personal services:			
Other	\$ 21,970	\$ 21,970	
Current expenses	800	800	
Travel:			
In state	200	200	
Equipment	201	200	
Other expenditures:			
Oasi and retirement	1,829	1,830	
Total			
Less estimated federal funds	\$ 25,000	\$ 25,000	
Net appropriation			\$ 0
Total for New Hampshire hospital			\$8,896,190
Less maintenance refunds			63,500

	FISCAL 1972	FISCAL 1973
Net appropriation for New Hampshire hospital	\$8,749,097	\$8,832,690
Total for division of mental health	\$13,203,624	\$13,228,143
V Division of public health services:		
(a) Administration:		
Salary of director	\$ 22,504	\$ 22,504
Other personal services:		
Permanent	73,707	73,940
Other	500	500
Current expenses	18,723	17,000
Travel:		
In state	2,100	2,100
Out of state	6,000	6,000
Equipment	6,530	3,200
Other expenditures:		
Oasi and retirement	11,120	11,120
Merit system	4,380	4,274
Blue cross and insurance	1,380	1,400
Alpha exams	—	1,586
Total	\$ 146,944	\$ 143,624
Less estimated federal funds	68,800	67,600
	\$ 78,144	\$ 76,024
Net appropriation		
(b) Special health services:		
Personal services:		
Permanent	\$ 46,565	\$ 46,798
Other	17,200	17,200
Current expenses	9,330	10,230
Travel:		
In state	3,600	3,600

Equipment	1,700	500
Other expenditures:		
Sight conservation	29,000a	29,000a
Total	<u>\$ 107,395</u>	<u>\$ 107,328</u>
Less estimated federal funds	46,500	46,400
Net appropriation	\$ 60,895	\$ 60,928
(c) Medical care administration:		
Personal services:		
Permanent	\$ 74,391	\$ 74,822
Other	20,000	20,000
Current expenses	5,000	5,000
Travel:		
In state	4,600	4,600
Out of state	600	600
Total	<u>\$ 104,591</u>	<u>\$ 105,022</u>
Less estimated federal funds	75,000	75,000
Net appropriation	\$ 29,591	\$ 30,022
(d) Vital statistics:		
Personal services:		
Permanent	\$ 53,081	\$ 53,572
Other	1,000	1,000
Current expenses	8,000	5,906
Travel:		
In state	500	500
Total	<u>\$ 62,581</u>	<u>\$ 60,978</u>
Less estimated federal funds	39,200	38,200
Net appropriation	\$ 23,381	\$ 22,778

FISCAL 1973

FISCAL 1972

(e) Public health nursing:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Equipment

Total

Less estimated federal funds

Net appropriation

(f) Communicable disease control:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Equipment

Total

Less estimated federal funds

Net appropriation

(g) Dental public health:

Personal services:

Permanent

Other

Current expenses

\$	196,554	\$	197,987
	1,500		1,500
	8,800		8,800
	12,200		12,200
	500		—
\$	219,554	\$	220,487
	129,000		129,000
\$	90,554	\$	91,487
\$	56,618	\$	57,151
	14,400		15,400
	119,337		130,874
	3,000		3,000
	491		—
\$	193,846	\$	206,425
	68,000		68,000
\$	125,846	\$	138,425
\$	54,591	\$	55,394
	18,000		27,664
	2,600		2,600

Travel:			
In state	2,500		2,500
Equipment	1,000		1,000
Total			
Less estimated federal funds	\$ 78,691		\$ 89,158
	32,000		32,800
		\$ 46,691	\$ 56,358
Net appropriation			
(h) Maternal child health and			
crippled children's services:			
Personal services:			
Permanent	\$ 92,587		\$ 93,784
Other	75,000		75,000
Current expenses	174,200		172,500
Travel:			
In state	3,700		3,700
Equipment	490		520
Other expenditures:			
Children's bureau	30,000		30,000
Cystic fibrosis	10,500		10,500
Rehabilitation	150,000aj		150,000aj
Poison information center	4,000		4,000
Child and youth	10,000		10,000
Family planning	10,000		10,000
Total			
Less estimated federal funds	\$ 560,477		\$ 560,004
	320,000		320,000
		\$ 240,477	\$ 240,004
Net appropriation			
(i) Occupational health:			
Personal services:			
Permanent	\$ 107,513		\$ 108,557
Other	750		750
Current expenses	4,000		4,000

FISCAL 1973

FISCAL 1972

Travel:		
In state	4,800	
Equipment	1,500	
Total	<u>\$ 118,563</u>	
Less estimated federal funds	47,000	
	<u>\$ 71,563</u>	
Net appropriation		\$ 71,532
(j) Air pollution:		
Personal services:		
Permanent	\$ 23,608	
Other	4,000	\$ 24,024
Current expenses	8,055	4,000
Travel:		7,639
In state	5,000	5,000
Out of state	500	500
Equipment	3,000	3,000
Total	<u>\$ 44,163</u>	<u>\$ 44,163</u>
Less estimated federal funds	14,000	14,000
	<u>\$ 30,163</u>	<u>\$ 30,163</u>
Net appropriation		
(k) Food and chemistry:		
Personal services:		
Permanent	\$ 168,433	\$ 169,390
Other	1,000	1,000
Current expenses	5,000	5,000
Travel:		
In state	16,000	16,000
Equipment	1,500	600
Total	<u>\$ 191,933</u>	<u>\$ 191,990</u>
Less estimated federal funds	76,400	76,000
Net appropriation	<u>\$ 115,533</u>	<u>\$ 115,990</u>

(l) Laboratory services:			
Personal services:			
Permanent	\$ 145,664		\$ 146,731
Other	1,000		1,000
Current expenses	29,000		29,000
Travel:			
In state	50		50
Equipment	2,000		2,000
Total	<u>\$ 177,714</u>		<u>\$ 178,781</u>
Less estimated federal funds	81,000		88,000
Net appropriation		\$ 96,714	\$ 90,781
(m) Program on alcoholism and drug abuse:			
Personal services:			
Permanent	\$ 208,523		\$ 212,572
Other	3,200		3,200
Current expenses	12,500		12,500
Travel:			
In state	4,500		4,500
Other expenditures:			
New England alcohol institute	3,300		3,300
Total	<u>\$ 232,023</u>		<u>\$ 236,072</u>
Less estimated federal funds	90,100		90,000
Net appropriation		\$ 141,923	\$ 146,072
(n) Tirrell House:			
Other personal services:			
Other	\$ 25,928		\$ 25,726
Current expenses	13,407		13,507

FISCAL 1973

FISCAL 1972

Other expenditures:
Employee benefits

Total

Less estimated revenue

Net appropriation

(o) Radiation surveillance:

Current expenses

Equipment

Other expenditures:

Training

Total

(p) Nursing home administration
board:

Other

(q) Preschool vision:

Personal services:

Other

Current expenses

Travel:

In state

Equipment

Other expenditures:

Training

Total

Less estimated federal funds

Net appropriation

	1,165	1,267
	<u>\$ 40,500</u>	<u>\$ 40,500</u>
	3,000	3,000
	<u>\$ 37,500</u>	<u>\$ 37,500</u>
	\$ 400	400
	575	800
	<u>500</u>	<u>500</u>
	\$ 1,475	\$ 1,700
	\$ 2,000	\$ 2,000
	\$ 15,500	\$ 15,500
	1,750	1,750
	1,500	1,500
	500	500
	<u>1,050</u>	<u>1,050</u>
	\$ 20,300	\$ 20,300
	<u>20,300</u>	<u>20,300</u>
	\$ 0	\$ 0

(r) Child and Youth :					
Personal services :					
Other	\$	70,000			
Current expenses		40,000			
Travel:					
In state		4,000			
Out of state		1,000			
Equipment		1,000			
Other expenditures		4,000			
Total	\$	120,000			
Less estimated federal funds		120,000			
				\$	0
Net appropriation					
(s) Family planning :					
Personal services :					
Other	\$	120,000			
Current expenses		24,500			
Travel:					
In state		8,500			
Out of state		2,000			
Equipment		5,000			
Total	\$	160,000			
Less estimated federal funds		160,000			
				\$	0
Net appropriation					
(t) Emergency medical services :					
Personal services :					
Other	\$	8,500			
Current expenses		2,500			
Travel:					
In state		1,000			

	FISCAL 1972		FISCAL 1973	
Out of state Equipment	300		300	
	200		—	
Total	\$ 12,500		\$ 12,500	
Less estimated federal funds	12,500		12,500	
Net appropriation	\$ 0		\$ 0	
(u) Hospital construction	\$1,700,000		\$1,700,000	
Less estimated federal revenue	1,700,000		1,700,000	
Net appropriation	\$ 0		\$ 0	
(v) Vaccination program:				
Personal services:				
Other	\$ 18,050		\$ 18,050	
Current expenses	8,240		8,240	
Travel:				
In state	2,000		2,000	
Out of state	1,000		1,000	
Total	\$ 29,290		\$ 29,290	
Less estimated revenue	29,290		29,290	
Net appropriation	\$ 0		\$ 0	
Net appropriation for division of public health services	\$1,192,450		\$1,211,764	
VI N.H. Home for the elderly:				
(a) Administration:				
Salary of superintendent	\$ 19,032		\$ 19,032	
Other personal services:				
Permanent	23,240		23,272	
Current expenses	2,300		2,300	

Travel: In state	500		500
Total		\$ 45,072	\$ 45,104
(b) Custodial care:			
Personal services:			
Permanent	\$ 91,980		\$ 92,912
Current expenses	35,646		35,646
Total		\$ 127,626	\$ 128,558
(c) Maintenance of plant:			
Personal services:			
Permanent	\$ 8,493		\$ 8,537
Current expenses	8,000		8,000
Equipment	1,500		—
Other expenditures:			
Major repairs	9,000		—
Total		\$ 26,993	\$ 16,537
(d) Operation of plant:			
Personal services:			
Permanent	\$ 81,446		\$ 81,760
Current expenses	41,100		41,100
Equipment	2,600		3,500
Total		\$ 125,146	\$ 126,360
(e) Professional care:			
Personal services:			
Permanent	\$ 205,975		\$ 209,204
Other	10,000		10,000
Current expenses	9,500		9,500
Total		\$ 225,475	\$ 228,704

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Total for N.H. Home for the elderly	\$ 550,312	\$ 545,263
Less maintenance refunds	5,857	5,857
Net appropriation for N.H. Home for the elderly	\$ 544,455	\$ 539,406
VII Division of Welfare:		
(a) State office:		
(1) Office of director:		
Salary of director	\$ 21,180	\$ 21,180
Other personal services:		
Permanent	167,926	174,328
Other	16,000	16,000
Current expenses	76,322	75,146
Travel:		
In state	5,128	5,128
Out of state	407	407
Equipment	5,580	—
Other expenditures:		
Social security	120,387	130,805
Blue cross and insurance	10,023	10,023
Merit system	9,773	9,536
Educational leave	35,000	35,000
Summer career program	20,000	20,000
Advisory committee	500	500
Employees' retirement	87,975	87,975
Total	\$ 576,201	\$ 586,028
(2) Assistance payments:		
(A) Administration:		
Personal services:		
Permanent	\$ 41,943	\$ 43,037

Travel:

In state	1,781	1,781
Out of state	260	260
Total		
(B) Grants:	\$ 43,984	\$ 45,078
Old Age Assistance		
Less local share	\$9,011,867	\$9,740,880
Less federal share	2,252,967	2,435,220
Less estimated revenue	5,214,422	5,627,720
	200,000	200,000
Total		
Net appropriation	\$1,344,478	\$1,477,940
Old age assistance to aliens	\$ 595,949	\$ 563,384
Less local share	248,853af	235,627af
Less federal share	347,096	327,757
Total	0	0
Net appropriation		
Aid to families with dependent children:		
Grants		
WIN program	\$12,807,699	\$13,625,100
Foster care	75,557	89,528
	746,063	946,515
Total		
Less federal share	\$13,629,319	\$14,661,143
Less estimated revenue	8,000,091	8,595,947
	145,000	150,000
Total		
Net appropriation	\$ 5,484,228	\$ 5,915,196
Aid to needy blind	\$ 458,742	\$ 452,386
Less federal share	268,096	264,137
Less estimated revenue	4,000	4,000
Total		
Net appropriation	\$ 186,646	\$ 184,249
Aid to permanently & totally disabled	\$ 1,706,957	\$ 1,847,486

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Less local share	597,435ag	646,620ag
Less federal share	997,833	1,078,997
Less estimated revenue	10,000	10,500
Net appropriation	\$ 101,689	\$ 111,369
Total grants	\$ 7,117,041	\$ 7,688,754
Total assistance payments	\$7,161,025	\$7,733,832
(3) Business management:		
Personal services:		
Permanent	\$ 72,529	\$ 72,974
Travel:		
In state	746	746
Out of state	567	567
Equipment	1,000	—
Other expenditures:		
Public assistance systems		
development and data		
processing costs	204,444a	111,756a
Total	\$ 279,286	\$ 186,043
(4) Medical services:		
(A) Administration:		
Personal services:		
Permanent	\$ 44,998	\$ 45,420
Other	25,500	25,500
Travel:		
In state	747	747
Out of state	626	626
Other expenditures:		
Physical examinations	2,000	2,000

Operational costs (title XIX)		513,108	634,186
Total		\$ 586,979	\$ 708,479
(B) Medical care and services		\$11,574,498	\$14,100,017
Less local share		607,939	652,377
Less federal share		6,870,622	8,369,770
Net appropriation		\$ 4,095,937	\$ 5,077,870
Total medical services		\$4,682,916	\$5,786,349
(5) Planning and program development:			
Personal services:			
Permanent		\$ 93,784	\$ 96,417
Travel:			
In state		1,493	1,493
Out of state		1,007	1,007
Equipment		1,300	—
Total		\$ 97,584	\$ 98,917
(6) Social and rehabilitation services:			
(A) Administration:			
Personal services:			
Permanent		\$ 78,612	\$ 79,981
Travel:			
In state		2,539	2,539
Out of state		868	868
Equipment		900	—
Total		\$ 82,919	\$ 83,388

	FISCAL 1972	FISCAL 1973
(B) Case services:		
Day care	\$ 855,792	\$1,075,128
(C) Specialized children's services:		
Pre-adoptive care and unwed mothers	\$ 50,000	\$ 50,000
Medical psychiatric treatment other than title XIX	150,000	150,000
Special education	165,000	165,000
Return of run away children	5,000	5,000
Emergency foster care	50,000	50,000
Total	<u>\$ 420,000</u>	<u>\$ 420,000</u>
Less estimated federal funds	<u>218,000</u>	<u>218,000</u>
Net appropriation	<u>\$ 202,000</u>	<u>\$ 202,000</u>
Total for social and rehabilitation services	\$ 1,140,711	\$ 1,360,516
Total for state office		
(b) Field services:		
(1) District director:	\$13,937,723	\$15,751,685
Personal services:		
Permanent	\$ 209,374	\$ 211,790
Other	1,000	1,000
Current expenses	331,393	337,289
Travel:		
In state	4,549	4,549
Out of state	177	177
Total	<u>\$ 546,493</u>	<u>\$ 554,805</u>
(2) Assistance payment:		
Personal services:		
Permanent	\$ 240,112	\$ 247,392

Travel:			
In state	2,480	2,480	
Out of state	96	96	
Equipment	1,500	493	
Total	<u>\$ 244,188</u>	<u>\$ 250,461</u>	
(3) Intake and referrals:			
Personal services:			
Permanent	\$ 38,862	\$ 38,862	
Total	<u>\$ 38,862</u>	<u>\$ 38,862</u>	
(4) Social and rehabilitation services:			
Personal services:			
Permanent	\$1,459,592	\$1,510,406	
Travel:			
In state	62,049	62,049	
Out of state	2,412	2,412	
Equipment	7,251	4,000	
Total	<u>\$1,531,304</u>	<u>\$1,578,867</u>	
Total field services	\$ 2,360,847	\$ 2,422,995	
Total for division of welfare	<u>\$16,298,570</u>	<u>\$18,174,680</u>	
Less town and county share of oasi administration	13,000	13,000	
Less transfer re administration from federal grants	3,146,736	3,407,196	
Less recoveries from past medical aid to the aged	<u>5,000</u>	<u>5,000</u>	
Net appropriation for division of welfare	\$13,133,834ah	\$14,749,484ah	
Total for department of health and welfare	<u>\$28,471,986</u>	<u>\$30,130,785</u>	

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557:26 State coordinator of highway

safety:

Salary of coordinator

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi and retirement

Blue cross and insurance

Public information

Total

Less estimated federal funds

Less transfer from highway fund

Net appropriation for state coordinator
of highway safety

\$ 17,380

32,078

5,180

6,800

3,000

1,840

3,245

2,488

177

3,000

\$ 75,188

37,594

37,594

\$ 0

\$ 0

557:27 Human Rights:

Permanent personal services:

Other

Current expenses

Travel:

In state

Total for human rights

\$ 18,173

33,551

5,180

6,800

3,000

1,840

3,472

2,876

177

3,000

\$ 78,069

39,035

39,034

\$ 0

\$ 0

\$ 1,500

1,500

500

\$ 3,500

\$ 3,500

557: 28 Industrial development authority:

Personal services:		
Permanent	\$ 24,882	\$ 25,179
Other	1,000	1,000
Current expenses	2,500	2,500
Travel:		
In state	500	500
Total for industrial development authority	\$ 28,882bv	\$ 29,179bv

557: 29 Industrial school:

I Administration:		
Salary of superintendent	\$ 19,074	\$ 19,092
Salary of deputy superintendent	13,440	13,440
Other personal services:		
Permanent	42,455	42,478
Current expenses	9,500	9,500
Travel:		
In state	400	400
Out of state	700	700
Equipment	600	500
Total	\$ 86,169	\$ 86,110
II Boys' and girls' benefit fund:		
Current expenses	\$ 5,700	\$ 5,700
III Custodial care:		
Personal services:		
Permanent	\$ 497,232	\$ 547,384
Other	18,000	18,000

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Current expenses	93,650	101,650
Equipment	3,000	3,000
Total	\$ 611,882bw	\$670,034bw
IV Auxiliary to custodial care:		
Personal services:		
Other	\$ 8,000	\$ 8,000
V Instruction:		
Personal services:		
Permanent	\$ 81,334	\$ 81,909
Other	6,524	6,524
Current expenses	2,000	2,000
Equipment		
Replacement of textbooks	800	800
Total	\$ 90,658	\$ 91,233
VI Maintenance of plant:		
Personal services:		
Permanent	\$ 53,079	\$ 53,171
Other	1,840	1,840
Current expenses	11,000	11,500
Equipment	500	500
Other expenditures:		
Repairs and renovations	30,000g	—
Total	\$ 96,419	\$ 67,011
VII Operation of plant:		
Personal services:		
Permanent	\$ 33,181	\$ 33,580
Other	300	300

Current expenses
Equipment

48,000
5,000

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Total

\$ 86,481

\$ 86,880

VIII Parole:

Personal services:

Permanent

\$ 76,420
600

Current expenses

Travel:

In state

4,300

Out of state

650

Equipment

225

Total

\$ 79,720

\$ 82,195

IX Elementary and secondary education act—title 1:

Personal services:

Other

\$ 25,000

Current expenses

Travel:

In state

350

Out of state

800

Equipment

250

Other expenditures:

Employees' benefits, consultants,
and contracts

20,000

Total

\$ 51,000

Less estimated federal funds

51,000

Net appropriation

\$ 0

\$ 0

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X Trade training:			
Personal services:			
Other	\$ 3,300	\$ 3,300	
Current expenses	2,700	2,700	
Equipment	15,800	15,800	
Other expenditures:			
Employees' benefits	200	200	
Total	\$ 22,000	\$ 22,000	
Less estimated federal funds	22,000	22,000	
Net appropriation	\$ 0	\$ 0	
Total	\$1,065,029	\$1,097,163	
Less refunds (maintenance)	7,000	7,000	
Net appropriation for industrial school	\$1,058,029	\$1,090,163	

557:30 Insurance department:

I Office of commissioner:		
Salary of commissioner	\$ 18,271	\$ 18,652
Salary of deputy commissioner	15,226	15,226
Salary of assistant to commissioner	10,980	11,346
Other personal services:		
Permanent	219,708	226,407
Other	1,000bx	1,000
Current expenses	43,000	43,000
Travel:		
In state	250	250
Out of state	5,000	5,000
Equipment	2,856	1,130

Other expenditures:				
Computer implementation				
Total for insurance department	<u>9,352a</u>	<u>11,256a</u>	<u>\$ 325,643</u>	<u>\$ 333,267</u>
557: 31 Department of labor:				
I Office of commissioner:				
Salary of commissioner	\$ 16,530	\$ 16,530		
Salary of deputy commissioner	12,054	12,054		
Other personal services:				
Permanent	26,916	27,246		
Current expenses	7,227	6,927		
Travel:				
In state	700	700		
Out of state	800	800		
Total	<u>\$ 64,227</u>	<u>\$ 64,257</u>		
II Boiler and elevator inspection:				
Personal services:				
Permanent	\$ 4,967	\$ 5,187		
Current expenses	325	325		
Total	<u>\$ 5,292</u>	<u>\$ 5,512</u>		
III Inspection division:				
Personal services:				
Permanent	\$ 75,140	\$ 76,320		
Current expenses	2,231	2,182		
Travel:				
In state	4,500	4,500		
Total	<u>\$ 81,871</u>	<u>\$ 83,002</u>		
				885

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IV Division of labor statistics:

Personal services:

Permanent

Current expenses

Other expenditures:

Computer implementation

Total

V New Hampshire apprenticeship

council:

Other expenditures:

Apprenticeship council

VI Workman's compensation division:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Total

Total for department of labor

557: 32 Liquor commission:

I Administration:

Salaries of three commissioners

Other personal services:

Permanent

Other

\$ 9,198

150

12,544a

\$ 21,892

\$ 175

\$ 44,386

250

2,280

150

\$ 47,066

\$ 221,904bz

\$ 9,071

150

9,856a

\$ 19,077

\$ 175

\$ 43,781

250

8,255

150

\$ 52,436

\$ 223,078by

\$ 57,920

390,770

3,000

395,457

3,000

Current expenses	46,000		46,000
Data processing	113,336 ^{ca}		113,336 ^{ca}
Travel:			
In state	24,000		24,000
Out of state	3,250		3,250
Equipment	41,710		33,100
Other expenditures:			
Oasi and retirement	33,541		33,541
Special investigative work	500		500
Total administration	\$ 714,027	\$ 710,104	
II Stores operation:			
Personal services:			
Permanent	\$2,019,465	\$2,053,914	
Other	290,000	290,000	
Current expenses	952,800	1,038,300	
Travel:			
In state	14,000	14,000	
Equipment	290,800	220,100	
Other expenditures:			
Public works maintenance	5,850	1,000	
Oasi and retirement	163,085	163,485	
Contingency fund	25,000 ^f	—	
Total stores operation	\$3,761,000	\$3,780,799	
Less revenue from sweepstakes sales	125,000	125,000	
Net appropriation	\$3,636,000	\$3,655,799	
III Warehouse:			
Personal services:			
Permanent	\$ 173,313	\$ 175,109	
Other	20,000	20,000	
Current expenses	46,000	46,000	
Equipment	47,000	11,900	

	FISCAL 1972	FISCAL 1973
Other expenditures:		
Oasi and retirement	13,913	13,913
Public works maintenance	31,100	7,500
Total warehouse	\$ 331,326	\$ 274,422
Total for liquor commission	\$4,681,353cb	\$4,640,325cb
557: 33 Personnel Department:		
Salary of director	\$ 19,212	\$ 19,212
Salary of deputy director	15,482	15,848
Other personal services:		
Permanent	113,285	114,535
Other	4,211	4,754
Current expenses	8,500	8,500
Travel:		
In state	1,600	1,600
Out of state	350	350
Equipment	50	50
Total	\$ 162,690	\$ 164,849
Less estimated revenue	1,000cc	1,000cc
Less estimated federal funds	22,330dm	22,407dm
Net appropriation for personnel department	\$ 139,360	\$ 141,442

557: 34 New Hampshire state port
authority:
Personal services:

Permanent	\$ 20,324	\$ 20,324
Other:		
Harbor master	4,000a	4,000a
Current expenses	4,500	4,500
Travel:		
In state	300	300
Out of state	300	300
Other expenditures:		
Reimbursement of harbor masters	2,000a	2,000a
Navigational aids	1,000a	1,000a
Total for New Hampshire state port authority	\$ 32,424	\$ 32,424

557:35 Board of probation:

I Administration:		
Salary of director	\$ 14,030	\$ 14,030
Other personal services:		
Permanent	360,151	364,177
Other	3,500	3,500
Current expenses	69,000	69,000
Travel:		
In state	14,500	14,500
Out of state	600	600
Equipment	2,000	1,500
Total	\$ 463,781	\$ 467,307

II Placement guidance:

Other personal services:		
Other	\$ 7,500	\$ 7,500
Travel:		
In state	150	150
Equipment	175	175

Other expenditures:			
Employees' benefits	750		
Total	<u>\$ 8,575</u>	<u>\$ 8,575</u>	<u>750</u>
Less estimated federal funds	8,575	5,145	
Net appropriation	<u>\$ 0</u>	<u>\$ 3,430</u>	
III Probation officer:			
Other personal services:			
Other	2,000	\$ 2,000	2,000
Current expenses	100	100	100
Travel:			
In state	300	300	300
Other expenditures:			
Employees' benefits	100	100	100
Total	<u>\$ 2,500</u>	<u>\$ 2,500</u>	<u>\$ 2,500</u>
Less estimated federal funds	2,500	1,500	1,500
Net appropriation	<u>\$ 0</u>	<u>\$ 1,000</u>	
IV Student work study:			
Other personal services:			
Other	28,255	\$ 28,255	28,255
Other expenditures:			
Employees' benefits	2,478	2,478	2,478
Total	<u>\$ 30,733</u>	<u>\$ 30,733</u>	<u>\$ 30,733</u>
Less estimated federal funds	30,733	24,586	24,586
Net appropriation	<u>\$ 0</u>	<u>\$ 6,147</u>	
Total for board of probation	<u>\$ 463,781</u>	<u>\$ 477,884</u>	

I Office of the commission:

Salaries of three commissioners

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi and retirement

Total

Less reimbursements

Net appropriation

II Property carriers:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi and retirement

Total

Less revenue

Net appropriation

\$ 48,975

163,208

5,000

44,500

4,000

5,000

1,000

13,656

\$ 285,339

285,339cd

\$

0

\$ 44,530

1,500

10,000

4,000

500

600

3,699

\$ 64,829

64,829cf

\$

0

FISCAL 1973

III National gas pipeline safety:

Personal services:

Other

\$ 18,000

Travel:

In state

1,000

Out of state

1,000

Equipment

2,600

Other expenditures:

Special consultants

2,000

Total

\$ 24,600

Less federal funds

12,300

Less reimbursements

12,300

Net appropriation

\$ 0

Total for public utilities commission

\$ 0

557: 37 Public works division of department of public works and highways:

Personal services:

Permanent

\$ 155,255

Other

19,000

Current expenses

15,378

Travel:

In state

6,500

Out of state

400

Other expenditures:

Administration costs to department of public works and highways

5,000

Total

\$ 201,533

Less estimated credits

5,000

\$ 0

\$ 0

\$ 157,312

19,000

15,478

6,500

400

5,000

\$ 203,690

5,000

Net appropriation for public works division of department of public works and highways

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\$ 198,690

\$ 196,533

557: 38 Public works and highways:

I Administration:

Salary of commissioner
Salary of deputy commissioner
Salary of assistant commissioner
Other personal services:

Permanent
Other

Current expenses

Travel:

In state
Out of state
Equipment

Other expenditures:
Air condition drafting and engineering area

Total

II Bridge maintenance:

Personal services:

Permanent
Other

Current expenses

Travel:

In state
Equipment

Total

\$

25,378

22,504

22,324

561,504

9,000

223,000

500

3,000

3,000

—

\$ 872,210

\$ 953,702

\$ 526,902

36,000

600,000

100,000

30,000

\$1,292,902

\$1,295,418

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III Engineering:		
Personal services:		
Permanent	\$4,710,057	\$4,738,331
Other	1,000,000	1,000,000
Current expenses	200,000	200,000
Travel:		
In state	210,000	210,000
Out of state	4,000	4,000
Equipment	15,000	15,000
Total	\$6,139,057	\$6,167,331
IV Materials and research:		
Personal services:		
Permanent	\$ 410,431	\$ 413,005
Other	12,000	12,000
Current expenses	28,000	28,000
Travel:		
In state	23,000	23,000
Out of state	500	500
Equipment	700	700
Total	\$ 474,631	\$ 477,205
V Mechanical division:		
Personal services:		
Permanent	\$ 592,878	\$ 599,063
Other	13,500	13,500
Current expenses	1,100,000	1,100,000
Travel:		
In state	3,000	3,000
Out of state	500	500
Equipment	600,000	600,000
Total	\$2,309,878	\$2,316,063

VI Outdoor advertising regulation:

Personal services:			
Other	\$ 6,963	\$ 6,963	
Current expenses	20,000	20,500	
Travel:			
In state	2,800	2,800	
Out of state	250	250	
Total	\$ 30,013	\$ 30,513	

VII Planning and economics:

Personal services:			
Permanent	\$ 396,834	\$ 398,975	
Other	25,000	25,000	
Current expenses	20,000	20,000	
Travel:			
In state	8,000	8,000	
Out of state	500	500	
Equipment	9,865	8,210	
Total	\$ 460,199	\$ 460,685	

VIII Road maintenance:

Personal services:			
Permanent	\$4,923,829	\$4,988,889	
Other	520,000	520,000	
Current expenses	7,500,000	7,750,000	
Travel:			
In state	170,000	175,000	
Equipment	125,000	125,000	
Total	\$13,238,829	\$13,558,889	

IX Traffic division: (highway marking and roadside development)

Personal services:			
Permanent	\$ 410,095	\$ 415,379	

	FISCAL 1972	FISCAL 1973
Other	50,000	50,000
Current expenses	470,000	470,000
Travel:		
In state	70,000	70,000
Out of state	500	500
Equipment	1,365	7,350
Total	\$1,001,960	\$1,013,229
X Construction and reconstruction:		
Matching funds (federal aid):		
Interstate	\$20,930,230	\$20,930,230
Primary	5,985,000	5,985,000
Secondary	3,990,000	3,990,000
Urban	1,550,851	1,550,851
Topics	563,946cg	563,946cg
Total	\$33,020,027a	\$33,020,027a
XI Debt service:		
Bonds maturing	\$5,450,000a	\$5,450,000a
Interest on bonds	970,000a	804,200a
Interest on temporary financing	300,000a	400,000a
Total	\$6,720,000	\$6,654,200
XII Land and buildings	\$ 600,000	600,000
XIII Legislative specials:		
Claims	\$ 750	\$ 750
Retirement	465,000	475,000
Oasi	640,000	675,000
Maintenance, class V highways	300,100	300,100
Roads to public waters	10,000	10,000

Accidents and compensation	52,500	55,000
Special retirement	1,430	1,430
Attorney general—for legal service	82,375	84,020
Safety department—for commis- sioner, division of motor vehicles, state police and safety services	4,403,940	4,422,325
Highways safety agency	37,594	39,034
Water resources—for stream flow gauging	10,000	10,000
Federal aid urban system	201,358	201,358
Blue cross and insurance	55,000	55,000
Junkyards	10,000	10,000
Outdoor advertising	1,000	1,000
Total	\$6,271,047	\$6,340,017
XIV State funds:		
Trunk line reconstruction	\$ 75,000	\$ 75,000
State aid reconstruction	75,000	75,000
State aid construction	75,000	75,000
Town road aid	1,650,000	1,650,000
Betterments	1,650,000	1,650,000
State aid bridge construction	150,000	150,000
Town road bridge	300,000	300,000
Federal land funds	350,000	—
Damage	100,000	100,000
State subsidy	4,487,500	4,487,500
Total	\$ 8,912,500	\$ 8,562,500
Total for public works and highways	\$81,427,261	\$81,365,771
Less estimated revenue and balance:		
Available from estimated lapses and balance	\$—139,522	\$—2,533,672
Gasoline road toll	34,272,800	37,350,000

FISCAL 1973

Motor vehicles fees	17,233,569
Mechanical division	1,550,000
Federal aid funds	25,335,874
Other revenue	430,000
Funds from issuance of bonds	2,000,000
Total	\$81,365,771

FISCAL 1972

Motor vehicles fees	15,978,109
Mechanical division	1,550,000
Federal aid funds	25,335,874
Other revenue	430,000
Funds from issuance of bonds	4,000,000
Total	\$81,427,261

Net appropriation for public works and highways

\$ 0

557: 39 Central New Hampshire turnpike:

I Operation:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Equipment

Total

II Maintenance:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

\$ 182,752

37,500

191,689

2,150

5,328

\$ 419,419

\$ 207,802

9,000

213,793

2,000

100

Equipment	33,436		32,910
Other expenditures:			
Permanent improvements:			
Resurfacing	300,000a		—
Replacement—chain link fence	18,000a		—
Painting bridges	55,000a		52,500a
Installation median guardrail	250,000a		250,000a
Total	\$1,087,143		\$ 768,105
III Debt service:			
Bonds maturing	\$ 740,000a		\$ 790,000a
Interest on bonds	403,813a		386,963a
Interest on temporary financing	87,500a		175,000a
Total	\$1,231,313		\$1,351,963
Total for central New Hampshire turn-pike	\$2,739,355		\$2,539,487
Less estimated revenue	2,739,355		2,539,487
Net appropriation	\$ 0		\$ 0
557: 40 Eastern New Hampshire turn-pike:			
I Blue Star memorial highway:			
(a) Operation:			
Personal services:			
Permanent	\$ 142,436		\$ 144,091
Other	50,000		50,000
Current expenses	117,961dc		114,674dd
Travel:			

	FISCAL 1972	FISCAL 1973
In state Equipment	1,305 5,905	1,305 5,628
Total	\$ 317,607	\$ 315,698
(b) Maintenance:		
Permanent	\$ 109,231	\$ 111,966
Other	3,000	25,000
Current expenses	109,667	140,000
Travel:		
In state	600	700
Equipment	18,555	77,310
Total	\$ 241,053	\$ 354,976
(c) Debt services:		
Bonds maturing	\$ 360,000a	\$ 370,000a
Interest on bonds	30,400a	24,640a
Interest on temporary financing	150,000a	150,000a
Total	\$ 540,400	\$ 544,640
Total for Blue Star memorial highway	\$1,099,060	\$1,215,314
II Spaulding turnpike:		
(a) Operation:		
Personal services:		
Permanent	\$ 110,742	\$ 111,099
Other	20,482	20,482
Current expenses	115,298de	112,241df
Travel:		
In state	1,630	1,630
Equipment	4,380	5,028
Total	\$ 252,532	\$ 250,453

(b) Maintenance:				
Personal services:				
Permanent	\$ 91,274	\$ 91,650		
Other	4,800	4,800		
Current expenses	143,945	144,149		
Travel:				
In state	1,000	1,000		
Equipment	23,095	9,725		
Total	\$ 264,114	\$ 251,324		
(c) Debt service:				
Bonds maturing	\$ 640,000a	\$ 640,000a		
Interest on bonds	322,175a	305,300a		
Total	\$ 962,175	\$ 945,300		
Total Spaulding turnpike	\$1,478,821	\$1,447,077		
Total for eastern New Hampshire turnpike	\$2,577,881	\$2,662,391		
Less estimated revenue	2,577,881	2,662,391		
Net appropriation	\$ 0	\$ 0		
557: 41 Racing commission:				
I Thoroughbred racing:				
Salaries of three commissioners	\$ 9,360	\$ 9,360		
Other personal services:				
Permanent	34,467	34,467		
Other	52,848ch	52,848ch		
Current expenses	7,935	7,450		
Travel:				
In state	2,450	2,450		

	FISCAL 1972	FISCAL 1973
Out of state Equipment	2,500 12,500	2,500 300
Total	\$ 122,060	\$ 109,375
II Harness racing:		
Personal services:		
Permanent	\$ 32,336	\$ 32,699
Other	152,971ch	152,971ch
Current expenses	7,050	7,050
Travel:		
In state	13,050	13,050
Out of state	1,300	1,300
Equipment	1,200	7,500
Total	\$ 207,907	\$ 214,570
Total for racing commission	\$ 329,967	\$ 323,945
557: 42 Real estate board:		
Salary of director	\$ 10,120	\$ 10,505
Other personal services:		
Permanent	15,135	15,573
Other	2,300	2,300
Current expenses	7,500	8,000
Travel:		
In state	500	500
Out of state	550	550
Equipment	2,185	—
Other expenditures	6,000	6,500
Total	\$ 44,290	\$ 43,928
Less revenue	6,000	6,500

557:43 Resources and economic development:

I Office of commissioner:

(a) Administration, warehouse and

graphic arts:

Salary of commissioner:

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Print shop operation

Total

Less maintenance refunds

Net appropriation

(b) Community recreation services:

Personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Equipment

Total

\$ 22,197

172,496

4,500

19,950

1,600

1,400

1,615

70,949a

\$ 294,707

410

\$ 294,297

\$ 17,200

1,840

1,208

600

80

\$ 20,928

\$ 22,204

175,903

4,500

19,950

1,600

1,400

2,900

60,323a

\$ 288,780

410

\$ 288,370

\$ 17,200

1,940

1,208

600

—

\$ 20,948

	FISCAL 1972	FISCAL 1973
(c) Design, development and maintenance:		
Personal services:		
Permanent	\$ 120,054	\$ 120,985
Other	3,050	3,000
Current expenses	7,850	5,650
Travel:		
In state	2,250	2,250
Out of state	100	100
Equipment	—	4,700
Total	\$ 133,304	\$ 136,685
(d) Other expenditures:		
Update of BOR program plan	\$ 60,000	\$ —
Less federal funds	30,000	—
Total	30,000dh	—
N.H.-Vt. development council	10,000	10,000
Total	\$ 40,000	\$ 10,000
Total for office of commissioner	\$ 488,529	\$ 456,003
II Economic development:		
Administration:		
Salary of director	\$ 19,032	\$ 19,032
3 Industrial agents	40,397	41,842
Other personal services:		
Permanent	212,121	212,073
Other	7,500	7,500
Current expenses	45,000	45,000
Travel:		
In state	7,500	7,500

Out of state	12,000			
Equipment	550			
Other expenditures:				
Regional association	35,000			
Geology including geological mapping	20,500			
Printing and binding, advertising, out of state offices	200,000ci			
Bulletin of vacation inquiries	1,800			
Total for division of economic development		\$ 601,400		\$ 602,537
III Parks:				
(a) Administration:				
Salary of director	\$ 17,489		\$ 17,489	
Other personal services:				
Permanent	51,612		51,621	
Other	10,000		4,000	
Current expenses	6,000		6,000	
Travel:				
In state	2,000		2,000	
Out of state	800		1,600	
Equipment	500		—	
Other expenditures:				
Parks promotion	67,000di		57,000di	
Total		\$ 155,401		\$ 139,710
(b) Self-supporting parks:				
Personal services:				
Permanent	\$ 508,145		\$ 507,722	
Other	250,000		250,000	
Current expenses	150,000		150,000	
Travel:				
In state	750		750	
Out of state	300		300	

FISCAL 1973

FISCAL 1972

Equipment	40,000	
Other expenditures:		
Major repairs	30,000	
Insurance (liability)	35,000	
Snow making	45,000dj	
Total	\$1,059,195	\$1,058,772
(c) Service parks:		
Personal services:		
Permanent		
Other	\$ 93,175	\$ 94,379
Current expenses	385,000	385,000
Travel:	100,000	100,000
In state	2,000	2,000
Equipment	20,000	20,000
Other expenditures:		
Major repairs	30,000	30,000
Mount Washington	47,210ej	47,210ej
Total	\$ 677,385	\$ 678,589
(d) Bonds and interest:		
(1) Chapter 337, laws of 1955		
Issue of 1959	\$ 28,364	\$ 27,552
(2) Chapter 293, laws of 1957		
Issue of 1959	29,794	28,981
(3) Chapter 264, laws of 1961		
Issue of 1963	42,080	41,040
(4) Chapter 263, laws of 1961		
Issue of 1963	267,200	261,600
(5) Chapter 263, laws of 1961		
Issue of 1965	292,800	286,400

(6) Chapter 263, laws of 1961

Issue of 1971 (est.)

Total bonds and interest	287,000	\$ 947,238a	280,000	\$ 925,573a
Total				
Less revenue	\$2,839,219		\$2,802,644	
	2,259,500		2,259,500	
Net appropriation for division of parks		\$ 579,719		\$ 543,144
IV Hampton beach parking facility:				
Personal services:				
Other	\$ 11,000		\$ 11,000	
Current expenses	7,000		7,000	
Travel:				
In state	125		125	
Other expenditures:				
Hampton sea wall bonds and interest	80,013		83,438	
Total	\$ 98,138		\$ 101,563	
Less estimated revenue	50,000		50,000	
Net appropriation for Hampton beach parking facility		\$ 48,138		\$ 51,563
V Hampton special services:				
Personal services:				
Other	\$ 40,000		\$ 40,000	
Current expenses	2,500		2,500	
Travel:				
In state	50		50	
Equipment	1,000		—	
Total	\$ 43,550		\$ 42,550	
Less estimated revenue	11,000		11,000	
Net appropriation for Hampton special services		\$ 32,550		\$ 31,550

FISCAL 1972

FISCAL 1973

VI Resources development:		
Salary of director	\$ 17,249	\$ 17,249
Other personal services:		
Permanent	448,046	450,854
Other	59,700	57,000
Current expenses	30,440	30,640
Travel:		
In state	20,000	20,000
Out of state	800	1,000
Equipment	18,908	21,282
Other expenditures:		
State's share of town prevention bills	3,000	3,000
State's share of town warden training expenses	3,600	3,600
State's share of special deputy training bills	2,000	2,000
Repairs to machinery	3,000	3,000
Repairs to buildings	3,000	3,000
Silviculture	3,000	3,000
Total	\$ 612,743	\$ 615,625
Less revenue		
Clarke-McNary law—sections 2 and 4	105,000	105,000
White pine blister rust	26,000	26,000
Nursery seed orchard—title IV	10,000	10,000
Forest pest and disease	15,000	15,000
Other revenue	3,979	4,465
Net appropriation for division of resources development	\$ 452,764	\$ 455,160

\$2,139,957

\$2,203,100

Total for department of resources and
economic development

557:44 Department of safety:

I Office of commissioner:

(a) Administration:

Salary of commissioner
Salary of assistant commissioner

Other personal services:

Permanent

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi, retirement, blue cross,
and insurance

Total

(b) Data processing section:

Personal services:

Permanent

Current expenses

Travel:

Out of state

Equipment

Other expenditures:

Oasi, retirement, blue cross,
and insurance

Total

Total for office of commissioner

Less transfer from highway fund

\$ 22,204

15,226

87,094

5,000

1,000

800

520

12,053

\$ 143,897

\$ 56,472

60,000

100

5,647

\$ 122,219

\$ 266,116

252,810

\$ 144,685

\$ 54,878

60,000

100

240

5,488

\$ 120,706

\$ 265,391

252,121

FISCAL 1972

FISCAL 1973

Net appropriation for office of commissioner	FISCAL 1972	FISCAL 1973
II Certificate of title:		
Personal services:		
Permanent	\$ 166,777	\$ 171,326
Current expenses	42,200	43,000
Travel:		
In state	2,500	2,500
Out of state	500	500
Equipment	5,800	—
Other expenditures:		
Oasi and retirement	13,891	15,068
Blue cross and insurance	1,320	1,320
Total	<u>\$ 232,988</u>	<u>\$ 233,714</u>
Less transfer from highway funds	232,988	233,714
Net appropriation for certificate of title	\$ 0	\$ 0
III Initial plate fund:		
Personal services:		
Permanent	\$ 20,054	\$ 20,054
Current expenses	39,360	39,810
Travel:		
In state	1,000	1,000
Out of state	500	500
Other expenditures:		
Oasi, retirement, blue cross and insurance	2,629	2,629

Drivers assistance	420,000a	420,000a	
Total	\$ 483,993	\$ 483,993	
Less estimated revenue and balance	483,993ck	483,993ck	
Net appropriation for initial plate fund			\$ 0
IV Division of motor vehicles:			
(a) Administration:			
Salary of director	\$ 15,226	\$ 15,226	
Assistant to director	14,226	14,226	
Other personal services:			
Permanent	625,400	636,019	
Other	67,080	67,080	
Current expenses	477,926	487,926	
Travel:			
In state	46,250	46,850	
Out of state	300	300	
Equipment	36,500	47,000	
Other expenditures:			
Oasi, retirement, blue cross and insurance	70,800	73,500	
Total	\$1,353,708	\$1,388,127	
(b) Road toll section:			
Personal services:			
Permanent	\$ 72,050	\$ 72,862	
Current expenses	6,000	6,200	
Travel:			
In state	2,650	2,650	
Out of state	5,500	5,500	
Equipment	5,800	—	

	FISCAL 1972	FISCAL 1973
Other expenditures:		
Oasi, retirement, blue cross and insurance	7,200	7,400
Total	\$ 99,200	\$ 94,612
Total for division of motor vehicles	\$1,452,908	\$1,482,739
Less transfer from highway fund	1,452,908dn	1,482,739dn
Net appropriation for division of motor vehicles	\$ 0	\$ 0
V Division of safety services:		
Salary of director	\$ 12,702	\$ 13,082
Salary of fire marshal	13,250	13,631
Other personal services:		
Permanent	66,391	67,441
Other	77,920	77,920
Current expenses	60,000	60,000
Travel:		
In state	29,500	29,500
Out of state	1,200	1,200
Equipment	32,200	9,000
Other expenditures:		
Oasi, retirement, blue cross and insurance	9,897	10,347
Total	\$ 303,060	\$ 282,121
Less transfer from highway fund	197,063	183,380
Net appropriation for division of safety services	\$ 105,997	\$ 98,741

VI Snowmobile section:

Personal services:		
Other	\$ 4,600	\$ 4,800
Current expenses	5,800	6,100
Travel:		
In state	900	1,000
Other expenditures:		
Oasi	240	275
Blue cross	72	72
	<hr/>	<hr/>

Net appropriation for snowmobile division

\$ 11,612 \$ 12,247

VII Division of state police:

(a) Communications section:

Personal services:		
Permanent	\$ 145,942	\$ 170,660
Other	3,000	3,000
Current expenses	28,275	21,975
Travel:		
In state	7,998	8,418
Equipment	250,000	150,000
Other expenditures:		
Oasi, retirement, blue cross and insurance	8,000	9,000
	<hr/>	<hr/>
Total	\$ 443,215	\$ 363,053
Less estimated revenue	108,975	98,250
Less transfer from highway fund	334,240	264,803
	<hr/>	<hr/>

Net appropriation from communications section

\$ 0 \$ 0

(b) Criminal intelligence bureau:

Personal services:		
Permanent	\$ 63,005	\$ 65,999

FISCAL 1973

Current expenses	4,000
Travel:	
In state	16,000
Out of state	2,000
Equipment	14,000
Other expenditures:	
Oasi and retirement	10,325
Blue cross and insurance	844
Procuring evidence	1,000
	<hr/>
	\$ 114,168

FISCAL 1972

Current expenses	4,000
Travel:	
In state	14,000
Out of state	2,000
Equipment	13,000
Other expenditures:	
Oasi and retirement	8,096
Blue cross and insurance	657
Procuring evidence	1,000
	<hr/>
	\$ 105,758

Total intelligence bureau

(c) Detective bureau:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi and retirement

Blue cross and insurance

Procuring evidence

\$ 173,295
1,500
15,000
10,000
3,000
6,600
9,829
845
500
<hr/>
\$ 220,569

Total for detective bureau

(d) Traffic bureau:

Salary of director

Other personal services:

Permanent

Other

Current expenses

\$ 17,189
1,529,755
1,500
114,200

\$ 220,569

\$ 218,382

Travel:			
In state	240,776	274,344	
Out of state	1,500	1,500	
Equipment	186,536	198,250	
Other expenditures:			
Oasi and retirement	71,064	69,558	
Blue cross and insurance	5,175	5,725	
Auxiliary police	15,000	15,000	
Ammunition	3,000	3,000	
Board, training and care of six (6) dogs	2,000	2,000	
Nat'l. crime information center	5,000	5,000	
Video tape recording	500	500	
In-service training	5,000	5,000	
	<hr/>	<hr/>	
Total	\$2,171,742	\$2,242,521	
Less estimated revenue	50,000	50,000	
Less transfers from turnpikes	187,122	187,642	
Less transfers from highway fund	1,934,620	2,004,879	
	<hr/>	<hr/>	
Net appropriation for traffic bureau	\$ 0	\$ 0	
	<hr/>	<hr/>	
Net appropriation for division of state police	\$ 324,140	\$ 334,737	
VIII Tramway board:			
Personal services:			
Permanent	\$ 10,432	\$ 10,485	
Current expenses	150	150	
Travel:			
In state	760	760	
Out of state	100	100	
Other expenditures:			

	FISCAL 1972	FISCAL 1973
Oasi and retirement	750	780
Blue cross and insurance	48	48
Total for tramway board	\$ 12,240	\$ 12,323
Total for department of safety	\$ 467,259	\$ 471,354
557:45 Secretary of state:		
I Office of secretary:		
Salary of secretary	\$ 22,204	\$ 22,204
Salary of deputy secretary	16,160	16,160
Other personal services:		
Permanent	61,799	61,903
Other	3,500f	—
Current expenses	11,000	11,000
Travel:		
In state	75	75
Out of state	300	300
Total	\$ 115,038	\$ 111,642
II Elections division:		
Personal services:		
Other	\$ 2,000	\$ 6,500
Current expenses	3,650	4,250
Travel:		
In state	75	75
Other expenditures:		
Printing and binding	81,000g	15,000
Total	\$ 86,725	\$ 25,825

III Xerox division:	
Personal services:	
Permanent	\$ 5,481
Other	350
Current expenses	6,000
Total	<u>\$ 11,831</u>
Less estimated revenue	<u>3,000^{cl}</u>
Net appropriation	\$ 8,831
IV Other expenditures:	
Trading stamps	
Auctioneers	\$ 500
Binding, printing, and distribution	500
of advance sheets, session laws,	
pamphlet laws, permanent house	
journals, permanent senate	
journals, and the manual	
of the general court	<u>—</u>
Total	<u>\$ 1,000</u>
Total for secretary of state	<u>\$ 147,358</u>

557: 46 Soldiers' home:

I Office of the commandant:	
Salary of the commandant	\$ 12,449
Other personal services:	
Permanent	14,100
Other	575
Total	<u>\$ 27,124</u>

FISCAL 1973

FISCAL 1972

II Custodial care:			
Personal services:			
Permanent	\$ 50,120	\$ 50,464	
Other	1,500	1,500	
Total			\$ 51,964
III Operation and maintenance of plant:			
Personal services:			
Permanent	\$ 23,283	\$ 23,324	
Other	500	500	
Current expenses	70,000	75,000	
Travel:			
In state	800	800	
Out of state	641	641	
Equipment	2,000	3,500	
Other expenditures:			
Repairs and renovations	200	—	
Total			\$ 103,765
IV Professional care and treatment:			
Personal services:			
Permanent	\$ 107,224	\$ 110,360	
Other	8,000	8,000	
Total			\$ 118,360
Total			
Less refunds (maintenance)	\$ 291,190	\$ 301,213	
Less revenue and balance	100	100	
	207,138c	219,525c	
Net appropriation for soldiers' home	\$ 83,952	\$ 81,588	

557: 47 N.H. State council on aging:

Personal services:		
Permanent	\$ 75,937	\$ 79,203
Current expenses	11,000	11,000
Travel:		
In state	3,000	3,000
Out of state	3,500	3,500
Equipment	80	90
Other expenditures:		
Fringe benefits	5,411	5,473
Projects	104,406	104,406
Third party grants	8,000 ^a	15,000 ^a
Senior citizen's month expenses	1,250	1,250
Total	<u>\$ 212,584</u>	<u>\$ 222,922</u>
Less estimated federal funds	179,406	179,406

\$ 33,178	\$ 43,516
_____	_____
_____	_____

Net appropriation for the N.H. State council on aging

557: 48 State library:

I Administration:		
Salary of librarian	\$ 15,286	\$ 15,286
Salary of assistant librarian	13,322	13,322
Other personal services:		
Permanent	213,821	214,553
Other	1,000	1,000
Current expenses	25,000	25,000
Travel:		
In state	4,050	4,050
Out of state	350	350
Equipment	94,250	76,651 ^{en}
Total	<u>\$ 367,079</u>	<u>\$ 350,212</u>

	FISCAL 1972	FISCAL 1973	
II Centralized catalog card service:			
Personal services:			
Permanent	\$ 9,240	\$ 9,609	
Current expenses	4,922	4,523	
Other expenditures:			
Social security	838	868	
Total	<u>\$ 15,000</u>	<u>\$ 15,000</u>	
Less estimated revenue	15,000	15,000	
Net appropriation	\$ 0	\$ 0	0
III Library services and construction act:			
Title I:			
Personal services:			
Permanent	\$ 126,058	\$ 126,568	
Other	3,300	3,300	
Current expenses	17,200	17,200	
Travel:			
In state	1,800	1,800	
Out of state	1,000	1,000	
Equipment	36,442	35,792	
Other expenditures:			
Social security	11,316	11,456	
Training and scholarships	2,000a	2,000a	
Total	<u>\$ 199,116</u>	<u>\$ 199,116</u>	
Less estimated federal funds	199,116	199,116	
Net appropriation	\$ 0	\$ 0	0

FISCAL 1973

VII Title IV B:	
Personal services:	
Permanent	\$ 24,710
Current expenses	6,710
Travel:	
In state	150
Out of state	250
Equipment	3,000
Other expenditures:	
Social security	2,026
Total	\$ 36,846
Less estimated federal funds	25,047
Net appropriation	\$ 11,799
Total for state library	\$ 362,011

557: 49 State prison:

I Administration:	
Salary of warden	\$ 19,212
Other personal services:	
Permanent	22,643
Other	500
Current expenses	2,600
Travel:	
In state	700
Out of state	425
Total	\$ 46,080

\$ 46,535

II Agriculture:			
Personal services:			
Permanent	\$ 16,983	\$ 17,435	
Other	3,900	3,900	
Current expenses	25,000	25,000	
Other expenditures:			
Butchering, curing meats and registry fees	350	350	
Total	<u>\$ 46,233</u>	<u>\$ 46,685</u>	
Less credit transfer	22,000	22,500	
Less estimated revenue	32,000	32,000	
Net appropriation	\$ -7,767	\$ -7,815	
III Auxiliary to prison and custody:			
Personal services:			
Other	\$ 26,156	\$ 26,156	
Current expenses	7,500	7,500	
Other expenditures:			
Awards—gate money	4,500	4,500	
Total	<u>\$ 38,156</u>	<u>\$ 38,156</u>	
IV Custodial care:			
Salary of warden	\$ 13,620	\$ 13,620	
Other personal services:			
Permanent	443,132	443,472	
Other	53,500	53,500	
Current expenses:			
Food	111,500a	121,500a	
Other	47,500co	47,500co	
Other expenditures:			
Custody of certain inmates	2,000cp	2,000cp	
Total	<u>\$ 671,252</u>	<u>\$ 681,592</u>	

	FISCAL 1972		FISCAL 1973	
V Instruction:				
Personal services:				
Other		\$ 14,632	\$	15,331
VI Maintenance of plant:				
Current expenses	\$ 7,250		\$	7,250
Equipment	2,385			385
Total		\$ 9,635	\$	7,635
VII Operation of plant:				
Personal services:				
Permanent	\$ 37,484		\$	37,949
Other	275			275
Total		\$ 37,759	\$	38,224
VIII Parole:				
Salary of parole officer	\$ 15,406		\$	15,406
Other personal services:				
Permanent	30,401			30,634
Other	1,200			1,200
Current expenses	1,200			1,200
Travel:				
In state	1,500			1,500
Out of state	300			300
Total		\$ 50,007	\$	50,240
IX Prison industries:				
Personal services:				
Permanent	\$ 111,662		\$	111,853
Other	23,400			23,400

Current expenses:		
Fuel	22,000a	23,000a
Other	181,000	186,000
Travel:		
In state	50	50
Out of state	275	275
Total	<u>\$ 338,387</u>	<u>\$ 344,578</u>
Less estimated revenue and credits	<u>379,686</u>	<u>407,686</u>
Net appropriation	\$ -41,299	\$ -63,108
Total	<u>\$ 818,455</u>	<u>\$ 806,790</u>
Less refunds (maintenance)	<u>3,000</u>	<u>3,000</u>
Net appropriation for state prison	<u>\$ 815,455</u>	<u>\$ 803,790</u>
557: 50 Sweepstakes commission:		
Salary of commission chairman	\$ 4,680	\$ 4,680
Salaries of two commissioners	4,992	4,992
Salary of executive director	21,000	21,000
Other personal services:		
Permanent	116,489	117,829
Other	35,000	35,000
Current expenses	78,000	78,000
Travel:		
In state	12,000	12,000
Out of state	500	500
Equipment	20,450	5,450
Other expenditures:		
N.H. retirement	17,500	18,500
Net track expenses	12,000	12,000
Liquor commission	125,000cq	125,000cq
Total	<u>\$ 447,611</u>	<u>\$ 434,951</u>

FISCAL 1973

	434,951cy	
	\$	0cs

FISCAL 1972

	447,611cy	
	\$	0cs

Less transfers from revenue account

Net appropriation for sweepstakes commission

557: 51 Tax commission:

I Office of commission:
Salary of three commissioners

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Total

II Boat tax:

Personal services:

Other

Other expenditures

Total

Less estimated revenue

Net appropriation

III Business profits and commuters' income tax:

Director

Deputy Director

Personal services:			
Permanent	173,102	174,571	
Other	15,000	15,000	
Current expenses	50,000	50,000	
Travel:			
In state	10,000	10,000	
Out of state	1,500	1,500	
Equipment	8,800	—	
Total	\$ 298,075	\$ 290,744	
IV Inheritance tax:			
Personal services:			
Permanent	\$ 32,614	\$ 32,925	
Other	10,000 ^{cu}	10,000 ^{cu}	
Current expenses	3,300	3,300	
Travel:			
In state	150	150	
Out of state	50	50	
Equipment	400	—	
Total	\$ 46,514	\$ 46,425	
V Intangible tax:			
Personal services:			
Permanent	\$ 50,302	\$ 51,702	
Other	2,500	2,500	
Current expenses	15,000	15,000	
Travel:			
In state	150	150	
Out of state	50	50	
Equipment	1,460	—	
Other expenditures:			
Oasi and retirement	4,066	4,305	

	FISCAL 1972	FISCAL 1973
Blue cross and insurance Data processing	329 13,040a	329 16,360a
Total	\$ 86,897	\$ 90,396
VI Meals and rooms:		
Personal services:		
Permanent	\$ 90,926	\$ 93,679
Other	1,500	1,500
Current expenses	12,500	12,500
Travel:		
In state	8,500	8,500
Out of state	150	150
Equipment	275	—
Other expenditures:		
Oasi, retirement, blue cross and insurance	7,972	8,424
Total	\$ 121,823	\$ 124,753
Less transfer from revenue account	132,909	136,355
Net appropriation	\$ —11,086	\$ —11,602
VII Municipal accounting:		
Personal services:		
Permanent	\$ 108,274	\$ 111,560
Other	2,200	2,200
Current expenses	2,500	2,500
Travel:		
In state	7,000	7,000
Out of state	300	300
Total	\$ 120,274	\$ 123,560

VIII Tobacco products tax:

Personal services:			
Permanent	\$ 60,385	\$ 60,752	
Other	250	250	
Current expenses	3,100	3,300	
Travel:			
In state	3,700	3,700	
Out of state	400	400	
Equipment	2,600	—	
Other expenditures:			
Tobacco tax stamps	66,000 ^g	—	
Total	\$ 136,435	\$ 68,402	

IX Other expenditures:

Flood control	\$ 81,000 ^a	\$ 83,000 ^a	
Forest conservation aid	40,000	40,000	
Special aid for heavily timbered towns	20,500	20,500	
Total for tax commission	\$1,235,817 ^d	\$1,170,534 ^d	

557: 52 State treasury:

I Administration:			
Salary of treasurer	\$ 22,384	\$ 22,384	
Salary of deputy treasurer	15,980	15,980	
Other personal services:			
Permanent	142,178	143,862	
Other	2,200	2,200	
Current expenses	30,200	28,200	
Travel:			
In state	100	100	
Total	\$ 213,042	\$ 212,726	

	FISCAL 1972	FISCAL 1973
II Bounties—payments to cities and towns	25h	25h
III Expense re head tax	200	200
IV Retirement division:		
Salary of assistant to state treasurer	\$ 13,322	\$ 13,322
Other personal services:		
Permanent	84,224	85,836
Other	500	500
Current expenses	9,200	9,500
Travel:		
In state	875	875
Other expenditures:		
Consulting actuary	33,000	7,000
Consulting services	500a	500a
Normal contribution	1,950,000a	2,145,000a
Accrued liability contribution	905,000a	905,000a
Hospitalization and group life insurance	190,000a	200,000a
Total	\$3,186,621	\$3,367,533
Less:		
Administrative costs charged to political subdivisions	\$ 28,336	\$ 31,170
Reimbursement to group life and hospitalization from federal and self-sustaining departments	38,000	40,000
Net appropriation	\$3,120,285	\$3,296,363

V Trust funds:			
Agricultural college fund	\$ 4,800	\$ 4,800	
Hamilton Smith fund	400	400	
Benjamin Thompson fund	31,896	31,896	
Total	\$ 37,096	\$ 37,096	
Net appropriation for state treasury		\$3,370,648	\$3,546,410
557: 53 Veterans council:			
Salary of director	\$ 10,912	\$ 11,912	
Other personal services:			
Permanent	26,016	26,076	
Current expenses	1,310	1,310	
Travel:			
In state	2,000	2,000	
Out of state	150	150	
Equipment	—	2,900	
Other expenditures:			
Veterans burials	1,000	1,000	
Total	\$ 41,388	\$ 45,348	
Less estimated refunds	100	100	
Net appropriation for veterans council	\$ 41,288	\$ 45,248	
557: 54 Water resources board:			
Salary of chairman	\$ 15,860	\$ 15,860	
Other personal services:			
Permanent	111,442	112,083	
Other	1,000	1,000	
Current expenses	4,000	4,000	

	FISCAL 1972	FISCAL 1973
Travel:		
In state	4,000	4,000
Out of state	350	350
Equipment	1,500	1,000
Other expenditures:		
Survey of effect of highway salt on ground water resources	4,000cv	4,000cv
Stream flow gauging	25,800cv	25,800cv
Connecticut river valley flood control commission:		
Per diem and expenses to commission	700a	700a
State's contribution to commission	1,688a	1,688a
Maintenance of dams	15,000a	15,000a
Merrimack river valley flood control commission:		
Per diem and expenses of commission	300a	300a
State's contribution to commission	3,000a	3,000a
Total	\$ 188,640	\$ 188,781
Less transfers from:		
Public works and highways	10,000	10,000
Pittsburg project	10,723	10,723
Lakeport project	7,143	7,143
Greenville water supply project	10,335	10,735
Net appropriation for water resources board	\$ 150,439cw	\$ 150,180cw
557: 55 Water pollution commission:		
I Office of commission:		
Salary of deputy executive director	\$ 19,331	\$ 19,967

Salary of pesticides surveillance
director
Salary of director of municipal
services
Salary of chief aquatic biologist
Other personal services:
Permanent
Other
Current expenses
Travel:
In state
Out of state
Equipment

Total

II Federal funds:

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Oasi and retirement

Blue cross and insurance

Total

Less estimated federal funds

Net appropriation

12,840
14,946
15,126
323,558
3,000
14,000
15,000
900
1,045

\$ 419,746

\$ 422,804

\$ 30,147
7,350
10,153cx

8,000
1,000
650

2,550
150

\$ 60,000
60,000

\$ 0

\$ 0

	FISCAL 1972	FISCAL 1973
III New England interstate water pollution commission:		
Personal services:		
Other	\$ 900	\$ 900
Current expenses	2,950	2,950
Travel:		
Out of state	600	600
Total	\$ 4,450	\$ 4,450
IV Sanitary engineering:		
Salary of executive director	\$ 22,504	\$ 22,564
Other personal services:		
Permanent	250,038	256,768
Other	6,000	6,000
Current expenses	41,000	41,000
Travel:		
In state	15,150	15,150
Out of state	400	400
Equipment	840	140
Total	\$ 335,932	\$ 342,022
V State aid grants	\$ 2,087,292cy	\$2,980,400cy
Total for water pollution commission	\$ 2,847,420	\$ 3,749,676
Total net appropriation as included in sections 2 thru and including 55	\$79,859,022	\$82,346,559
Less revenue from sections 56 and 57	259,130	232,100
Total net appropriation as included in sections 2 thru and including 57	\$79,599,892	\$82,114,459

557:56 State overhead charges.

I There is hereby appropriated for general overhead state charges to the following listed departments and agencies of the state the respectively listed sums for the fiscal years 1972 and 1973 each of which sums shall be transferred by the comptroller on the first day of each fiscal year from the department or agency to which it is hereby appropriated to the general fund of the state:

(a) Department of public works and highways:			
Other expenditures:			
General overhead state charges	167,000	167,000	167,000
Less, transfer to balance	167,000	—0—	—0—
(b) Department of safety:			
Other expenditures:			
General overhead state charges	29,000	29,000	29,000
Less, transfer from highway fund	29,000	—0—	—0—
(c) Highway safety:			
Other expenditures:			
General overhead state charges	600	600	600
Less, estimated federal funds	—300	—300	—300
Less, transfer from highway fund	—300	—300	—300

FISCAL 1972

FISCAL 1973

(d) Fish and game: Other expenditures: General overhead state charges Less, revenue	16,000 16,000 —0—	16,000 16,000 —0—
(e) Central New Hampshire turn- pike: Other expenditures: General overhead state charges Less, revenue	5,000 5,000 —0—	5,000 5,000 —0—
(f) Eastern turnpike: Other expenditures: General overhead state charges Less, revenue	5,000 5,000 —0—	5,000 5,000 —0—
(g) Bank commission: Other expenditures: General overhead state charges Less, revenue	2,500 2,500 —0—	2,500 2,500 —0—
(h) Public utilities commission: Other expenditures: General overhead state charges Less, reimbursements	2,500 2,500 —0—	2,500 2,500 —0—
(i) Sweepstakes commission: Other expenditures: General overhead state charges Less, transfer from revenue account	2,000 2,000 —0—	2,000 2,000 —0—

(j) Tax commission:				
(1) Meals and rooms:				
Other expenditures:				
General overhead state charges	1,000	—0—	1,000	—0—
Less, transfer from revenue	1,000			
(2) Intangible tax:				
Other expenditures:				
General overhead state charges	750	—0—	750	—0—
Less, transfer from revenue	750			
(k) Crime commission:				
Other expenditures:				
General overhead state charges	750	—0—	750	—0—
Less, revenue	750			

II There is hereby appropriated for audit services of the Legislative Budget Assistant to the following listed departments and agencies of the state respectively listed sums for the fiscal years 1972 and 1973 each of which sums shall be transferred by the comptroller to the appropriation for the Legislative Budget Assistant upon certification by him that the service has been rendered to the particular department or agency. These appropriations shall be nonlapsing and shall not be used for any other purpose.

(a) Department of public works and highways:

	FISCAL 1972	FISCAL 1973
Other expenditures:		
State overhead charges	18,000	18,000
Less, transfer from surplus	—0—	—0—
(b) Department of safety:		
Other expenditures:		
State overhead charges	6,000	4,000
Less, transfer from highway fund surplus	6,000	4,000
(c) Fish and game:		
Other expenditures:		
State overhead charges	10,000	12,000
Less, revenue	10,000	—0—
(d) Central New Hampshire turnpike:		
Other expenditures:		
State overhead charges	4,000	—
Less, revenue	4,000	—0—
(e) Eastern turnpike:		
Other expenditures:		
State overhead charges	4,000	—
Less, revenue	4,000	—0—
(f) Bank commissioner:		
Other expenditures:		
State overhead charges	3,000	3,000
Less, revenue	3,000	—0—
(g) Public utilities commission:		
Other expenditures:		

State overhead charges	3,000		3,000	—0—	—0—
Less, reimbursements	3,000				
(h) Sweepstakes commission:					
Other expenditures:					
State overhead charges	—		3,000		
Less, transfers from revenue account	—		3,000	—0—	—0—
(i) Tax commission:					
(1) Meals and rooms:					
Other expenditures:					
State overhead charges	—		3,000		
Less, transfer from revenue	—		3,000	—0—	—0—
(2) Intangible tax:					
Other expenditures:					
State overhead charges	—		2,000		
Less, transfer from revenue	—		2,000	—0—	—0—
(j) Crime commission:					
Other expenditures:					
State overhead charges					
Less, revenue	2,000		2,000	—0—	—0—

III The comptroller is directed to bill the department of employment security for general overhead state charges on the first day of fiscal 1972 for said fiscal year the sum of eight thousand dollars, and a like sum at the like time in and for fiscal year 1973.

557: 57 Estimated Federal Funds. If under any appropriation in section 2 through 55 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

557: 58 Room Assignment. Other provisions of law notwithstanding, all rooms on the third floor of the state house shall be assigned for use by the President of the Senate and the Speaker of the House.

557: 59 Commemorative Bottles; Historical Fund. Notwithstanding any of the provisions of RSA Title XIII Alcoholic Beverages, the state liquor commission is hereby authorized and directed to enter into contracts for the manufacture and purchase of commemorative bottles of historic significance. To the cost of said bottles the state liquor commission shall add a special markup, above its customary markups for retail sales, for the purpose of helping to finance such programs of historic significance as the legislature may from time to time determine. All revenue from such special markups shall be reported separately by the state liquor commission and shall be credited to the legislative appropriation and kept as a special fund to be known as the historical fund. No part of said fund shall be transferred or expended for any purpose except as specifically appropriated.

APPROPRIATION. There is hereby appropriated to the New Hampshire American Revolution Bicentennial Commission the sum of fifteen thousand dollars which shall be nonlapsing and a charge against the historical fund established by this section.

557: 60 Providing that Salary of the Bank Commissioner shall be a Charge Against the Banking Institutions. Amend the opening unnumbered paragraph of RSA 383:11, as amended, by striking out said paragraph and inserting in place thereof the following:

383: 11 Payment of Cost of Examination. The bank commissioner, shall, each fiscal year, charge and collect from the institutions, the condition and management of which he is required to examine under the provisions of section 9, as the total cost of such examination, the total amount appropriated for the bank commissioner's department. Said sum shall be collected as follows:

557: 61 Transfer of Fish and Game Funds for Workmen's Compensation Payments. Pursuant to RSA 281:6 the comptroller is hereby directed to transfer from the fish and game fund to the general fund the sum of twenty seven thousand and thirty dollars and eighty-eight cents to reimburse the general funds for workmen's compensation benefits paid for fish and game employees from general funds from April 28, 1967 to December 31, 1970.

557: 62 Changing the Dates for Payments by Certain Public Utilities of the Expenses of Commission. Amend RSA 363-A:1, 2, 3 and 4, as amended, by striking out said sections and inserting in place thereof the following:

363-A:1 Ascertainment of Expenses. The public utilities commission shall annually, after the close of the fiscal year, ascertain the total of its expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA 362:2. In the determination of such expenses, there shall be excluded the expenses which have been

or may be charged and recovered under the provisions of RSA 365:37 and RSA 365:38.

363-A:2 Assessment. The expenses thus ascertained shall be assessed against the public utilities described in RSA 363-A:1 in the manner herein provided. The public utilities commission shall establish reasonable classifications of public utilities, and shall determine the share of its expense attributable to each such class. Each such share shall be assessed against the several public utilities comprising the class in such proportion as the public utilities commission shall determine to be fair and equitable.

363-A:3 Certification of Assessment. It shall be the duty of the public utilities commission to calculate the amount to be assessed against each such public utility in accordance with the foregoing provisions. At the beginning of each fiscal year, the public utilities commission shall estimate its total expenses for the fiscal year, and then, based on such estimate shall calculate the amount to be assessed quarterly on July fifteenth, October fifteenth, January fifteenth, and April fifteenth of that fiscal year, against each such public utility in accordance with the foregoing provisions. The public utilities commission shall then make a list showing the amount due on July fifteenth, October fifteenth, January fifteenth, and April fifteenth of that fiscal year from each of the several public utilities assessed under the provisions hereof, and, together with a statement of the full name and mailing address of each such public utility, shall certify the same to the state treasurer.

After the close of each fiscal year, the public utilities commission shall ascertain its actual total expenses in accordance with the foregoing provisions, and then shall adjust the assessment for the first quarterly payment of the new fiscal year for each such public utility for any underpayment or overpayment by each such public utility for the prior fiscal year.

363-A:4 Collection. Forthwith upon the receipt of each such list, which the public utilities commission shall furnish to the state treasurer on or before July tenth, October tenth, January tenth, and April tenth, of each fiscal year, the state treasurer shall bill each public utility for the quarterly amount assessed against it. Such bill shall be sent registered mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the state treasurer within thirty days after the receipt of the bill. After the expiration of thirty days from the receipt of an original bill, the state treasurer may commence an action at law for the recovery of the assessment.

Within thirty days of the assessment for the first quarterly payment, each public utility which has any objection to the amount assessed against it for the prior fiscal year, shall file with the commission its objection in writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive, erroneous, unlawful, or invalid. If such objections be filed the commission, after reasonable notice to the objecting public utility, shall hold a hearing on such objections, and if the commission finds that said assessment or any part thereof is excessive, erroneous, unlawful or invalid, the commission shall reassess the amount to be paid by such public utility, and shall order that an amended bill be sent to such public utility in accordance with such reassessment. The state treasurer shall not commence an action at law for recovery of any assessment for the first quarterly payment until any such objection has been resolved.

557:63 Bond Issue Authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding six million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund.

557:64 Continuing Appropriation. The monies provided in section 63 hereof shall be a continuing appropriation and shall not lapse.

557:65 Print Shop Operation Established. Amend RSA 12-A by inserting after section 2 the following new section:

12-A:2-a [New] Print Shop Operation. There is hereby established in the office of the commissioner a print shop operation.

I. The print shop shall be under the direction of the commissioner and shall be operated within the limits of funds appropriated therefor and any funds transferred to or received by or credited to it on a force account basis from divisions of the department of resources and economic development; other departments, agencies, commissions or any governmental subdivision of the state; any branch of state government; or any other source are hereby appropriated for the purpose of its operation.

II. All legislative printing within the capability of the print shop shall, particularly during any legislative session, have priority over other work of the shop.

III. Any funds appropriated to the print shop or any funds available to it for expenditure shall be expended for the regular costs of operation, including but not limited to personal services, supplies, equipment and rental payments including rental payments due or that become due under contracts for the rental of equipment which are in full force and effect on the date of and prior to the date of and prior to the establishment of the print shop operation.

IV. The said shop is hereby authorized to, within the limits of its capability, do work on a force account basis and the charges for same shall be sufficient to pay for the entire cost including all overhead charges.

V. The director of the division of purchase and property shall, notwithstanding any provision of RSA 8 to the contrary, have any printing, a request for which is submitted to him by any department, done by the print shop operation if it is within its capabilities and the specifications and required delivery can be met by said operation.

557:66 Additional Appropriation for Expenses of Sale of Fifty Cent Sweepstakes Tickets. There is hereby appropriated to the sweepstakes commission to be transferred to the liquor commission, which may be expended by it with the approval of the governor and council, such sums as are needed to pay for the required additional costs to the liquor commission in connection with the sale of fifty cent tickets at liquor stores. Said sums shall be a charge of administration against the fund established by RSA 284:21-j.

557:67 Allocation of Remaining Funds for Prefinancing of Sewage and Waste Disposal Facilities. Amend laws of 1969, chapter 376 by inserting after section 3 the following new section:

376:3-a [New] Allocation of Balance of Funds Appropriated. The balance remaining and carried forward at the end of fiscal 1971 of the appropriation made by section 3 of this act shall be used to prefinance only the following identified projects as follows: first the Nashua project in full: then the balance remaining after the funds necessary for the Nashua project have been deducted from said balance carried forward shall be prorated by the water supply and pollution control commission between the following listed projects: Newport, Jaffrey, Peterborough, Dover, Durham, and Sunapee.

557:68 Transfer of Certain Funds to and in the Legislative Appropriation. The following transfers and appropriations are hereby made, to be shown in this act as estimated revenue in the legislative appropriation for fiscal 1972 to reduce the gross amount of general funds appropriated therefor for said year:

I. The following appropriated funds are transferred to said legislative appropriation and appropriated therefor:

(a) The balance remaining in the appropriation made, by laws of 1965, 237:2, for the committee to project state fiscal requirements;

(b) The balance remaining in the appropriation made, by laws of 1967, 287:4, for the commission to study the educational system of the state.

II. The following funds already appropriated to the legislature are transferred from the line items for which they were appropriated to a line item of estimated revenue for the fiscal year 1972:

(a) Miscellaneous legislative committees;

(b) Alterations and repairs—third floor of state house;

(c) Legislative Council;

(d) Travel and expense authorized by RSA 14-A:3.

(e) State house sesquicentennial committee.

557:69 Modification of OASI Payments. Amend RSA 101:17, II, as amended, by striking out in line seven the words “three-fifths of” and by striking out in line nine the words “and two-fifths thereof shall be payable by the state” so that said paragraph as amended shall read as follows:

II. Pursuant to the modification of agreement herein authorized, each political subdivision shall be deemed to be a political subdivision as to which a plan has been approved under the provisions of RSA 101:5 with respect to its employees in positions covered by the teachers’ retirement system, and to have otherwise adopted the provisions of chapter 101; provided, however, that such political subdivision shall pay with respect to such employees the total contributions which would otherwise be due under subparagraph (1) of paragraph III of said section 5 of chapter 101.

557:70 Extension of Appropriation. Amend the footnote to 1969, 367:4 department of safety, data processing section, other expenditures, conversion of auto registrations by striking out said footnote and inserting in place thereof the following:

*No part of this appropriation shall be transferred or expended for any other purpose, and shall be available for expenditure until June 30, 1973.

557:71 Increased Limit on Borrowing. Amend RSA 6:13 (supp) as amended by striking out in line eight the word “twenty-five” and inserting in place thereof the word (forty) so that said section as amended shall read as follows:

6:13 Borrowing Money. If money due from the state is demanded and there are not sufficient funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of forty million dollars.

557:72 Reallocation of Payments for 1971 of Return of Revenue to Certain Cities and Towns. Notwithstanding the provisions of RSA 31-A:5, II to the contrary the payments due on September fifteenth and December fifteenth 1971 to any city or town which has adopted a fiscal year ending in June shall each be one-half of the balance of the full 1971 payment due any such city or town as determined pursuant to the provisions of RSA 31-A:4 as amended by this act after the payments made on March fifteenth and June fifteenth 1971.

557:73 Reducing Annual Increase of Return of Revenue to Cities and Towns. Amend RSA 31-A:4 (supp) by striking out said section and inserting in place thereof the following:

31-A:4 Determination of Amounts Returnable in Subsequent Years. The state treasurer shall determine the amount of revenue returnable to each city or town in each year subsequent to 1970 by increasing the amount returned to each city or town in the preceding year by five percent.

557:74 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1972 the sum of one hundred seventy-five thousand nine hundred and forty-eight dollars and a like sum for the fiscal year ending June 30, 1973.

The sums hereby appropriated shall be used by the trustees of the university of New Hampshire system to provide for the regular step increments in the salaries of the non-academic employees of said system. This appropriation shall not be transferred or expended for any other purpose.

557:75 Footnotes:

- a. The funds in this appropriation shall not be transferred or expended for any other purpose.
- b. Funds not to be expended without prior approval of governor and council.
- c. Revenues in excess of the estimate may be expended with prior approval of the governor and council.
- d. Expenditures from this appropriation shall have prior approval of the fiscal committee of the general court.
- e. The funds herein appropriated shall be deposited in the special fund established as indicated for this line item.
- f. This appropriation shall not lapse until June 30, 1973.
- g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.
- h. This appropriation shall be a continuing appropriation and shall not lapse.

- i. Any balance in this appropriation at June 30, 1972 shall lapse to the general fund.
- j. Any balance in this appropriation at June 30, 1973 shall lapse to the general fund.
- k. Includes travel and expenses authorized by RSA 14-A:3 (supp).
- l. In addition to travel allowed for attending sessions of the general court, this sum shall include payments as authorized by RSA 14-A:3 except that after a member fails of nomination in a primary election or fails of election or shall have not filed for reelection to his office, no expenses shall be allowed him for out of state travel.
- m. Salaries to be set in accordance with provisions of RSA 17-A:2 and 17-A:4.
- n. All postage and telephone expenses to be charged against legislative appropriation.
- o. Other provisions of law notwithstanding, salaries of permanent employees shall be as approved by the fiscal committee of the general court. The legislative budget assistant shall, when overtime or temporary assistance is necessary, obtain such assistance and determine the compensation therefor.

Note 1: The legislative budget assistant may designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury, and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of RSA 14:31 part II, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

- p. This revenue shall be realized by transfers as provided for by section 56 paragraph II of this act.
- q. These appropriations shall not lapse at June 30, 1972 or June 30, 1973.

Note 1: Other provisions of law notwithstanding, employees of the legislative budget assistant's office and the director of legislative services office shall be eligible for fringe benefits as provided for classified employees including but not limited to membership in retirement system, blue shield and blue cross coverage, life insurance coverage and annual and sick leave benefits.

Note 2: Other provisions of law notwithstanding, transfers may be made within divisions of the legislative appropriation in the following manner:

- (a) House appropriation—Request of speaker, approval of fiscal committee.
- (b) Senate appropriation—Request of president of senate, approval of fiscal committee.
- (c) Joint expenses—Request of speaker of house and president of senate, approval of fiscal committee.
- (d) Legislative services—Request of director, approval of president of senate, speaker of house, and fiscal committee.
- (e) Legislative budget assistant—Request of legislative budget assistant, approval of president of senate, speaker of house, and fiscal committee.

(f) All other legislative accounts—Request of president of senate and speaker of house, approval of fiscal committee.

(g) Transfers may be made between divisions in the legislative appropriation on request of president of senate and speaker of house with approval of fiscal committee.

- r. The funds in this appropriation are for court stenographers which may be increased with approval of governor and council provided the counties are billed for total expenditures.
- s. In this appropriation \$7,084 shall be for the salary of the secretary and the balance of the appropriation exclusive of the salary of the secretary shall not lapse.
- t. Salaries paid out of this appropriation shall be at levels set by the Governor.
- u. Expense of operating and maintenance of the governor's state car shall be charged to this appropriation.
- v. The funds appropriated under this item are to be spent by the governor at his own and sole discretion for state purposes, included but not limited to participation in the activities of the United States Governor's Conference, the New England Governors' Conference, and the council of state governments, for which monies are not otherwise appropriated.
- w. Transfers from this fund are subject to prior approval by the governor and council and may be made to all state agency appropriations, excluding only the governor and council. The director of accounts shall keep a record of transfers approved for other than general fund agencies and shall report such special fund transfers to the legislature for appropriate adjustment between funds.
- x. In addition to the above appropriations, the vocational and technical institutes shall receive for disbursement any actual excess over the estimates in the income of the vocational and technical institutes' bookstore, cafeteria, evening school, summer school and day tuition provided, however, that said institutes may disburse any such category excess with the approval of the governor and council, only in connection with these services from which the excess arose, except for day tuition which shall be used in connection with current operating expenses.
- y. Funds appropriated in accordance with the provisions of the Federal Civilian Vocational Rehabilitation Act shall not lapse, but shall be carried over to the following year for the purpose of earning additional federal matching funds.
Notwithstanding the provisions of RSA 9: 17-a and RSA 99: 4 with the approval of the Governor and Executive Council, funds may be transferred within line items in order to fully utilize federal funds for vocational rehabilitation of disabled persons.
- z. The state board of education shall receive for disbursement sums paid by school districts for the additional salaries of superintendents under the provisions of RSA 189: 44. In the above appropriation \$1,593,331 shall come from funds received under RSA 189: 44, and the state's share shall not exceed \$278,765 in 1972 and \$1,810,631 shall come from funds received under RSA 189: 44, and the state's share shall not exceed \$278,765 in 1973.

- aa. These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.
- ab. The division of investigation of accounts shall investigate and recommend recovery from recipients where payment ability exists.
- ac. The amount shown in this appropriation shall be for products used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of the amount shown.
- ad. No charge against this appropriation or any other appropriation of the New Hampshire hospital shall be made for nurses' uniforms.
- ae. These amounts shall not be transferred or expended for any other purpose. Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.
- af. For the fiscal years ending June 30, 1972 and June 30, 1973 the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.
- ag. For the fiscal years ending June 30, 1972 & 73, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.
- ah. Other provisions of law notwithstanding, any balance remaining in state accounts at the close of the fiscal year shall lapse to unappropriated surplus of the general fund.
- ai. Laconia State School. Within the funds available the reallocation of existing farm personnel and the applicable funds to their departments or the filling of positions as they may become vacant is subject to the approval of the new positions committee and the Governor and Council.

New Hampshire Hospital. Phasing out of the N.H. Hospital farm operations shall begin July 1, 1972 and be completed by January 1, 1973. Within the funds available the reallocation of existing farm personnel and the funds to their departments or the filling of positions as they may become vacant is subject to the approval of the new positions committee and the Governor and Council.
- aj. The division of investigation of accounts shall investigate the payment ability of liable persons as provided by RSA 8:40. Expenditure of this appropriation contingent upon 50-50 matching by federal funds.
- ba. The coordinator of federal funds shall, in addition to present duties, be the liaison officer for the office of economic opportunity.
- bb. Any state earned income shall be deposited to the general fund and revenue in excess of this amount may be expended subject to prior approval by the governor and council.
- bd. With the approval of the governor and council the director of the New Hampshire distributing agency is authorized to transfer

personnel, appropriations or portions thereof, as well as equipment, between subdivisions of the agency. Such transfers shall not place an unwarranted demand upon the fund balances of either surplus food or surplus property. Authority is hereby given to utilize so much as may be necessary of the balance accumulated at June 30, or any surplus accumulating during the fiscal years within this subdivision, with approval of the governor and council, to efficiently operate this division without the use of any other state funds.

- be. No funds to be expended until provision has been made to give equal service to large farm animals.
- bf. This appropriation shall not lapse but shall be available for expenditure in the following year. Any balance at June 30, 1971, in the pesticide control law account shall lapse at July 1, 1971, to the general fund.
- bg. Other provisions of law notwithstanding, revenue received from: (a) pesticide control law economic poisons; (b) weights and measures inspection fees; and (c) pullorum-typhoid and P.P.L.O. testing shall be deposited with the state treasurer as unrestricted general fund revenue.
- bh. This appropriation to be expended for fees to probate registers only.
- bi. Other provisions of law notwithstanding, total expenditures (including commissioner's salary) shall be assessed against the banking institutions.
- bj. Other provisions of law notwithstanding, revenue received from small loan and motor vehicle finance division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.
Notwithstanding any law to the contrary, expenditures from this fund shall be subject to budgetary limitations.
- bk. Other provisions of law notwithstanding revenue shall be deposited with the state treasurer as unrestricted revenue.
- bl. Other provisions of law notwithstanding revenue shall be deposited with the state treasurer as unrestricted revenue and the balance at June 30, 1971 shall lapse to the General Fund.
- bm. This amount is appropriated for the fire school at Gilford and shall not be transferred or expended for any other purpose.
- bn. This amount available for expenditures only if federal grants are available. Any funds in excess of the estimated federal grants shall be available for such further expenditure as the governor and council shall approve. Any curtailment of civil defense activities caused by a decrease in federal grants will be implemented by a proportionate decrease in all classes of expenditure as recommended by the civil defense director and approved by the governor and council, including any permanent personal services formerly covered by federal funds.
- bo. Funds received from assessments against unincorporated places for benefit of public schools may be used for tuition and transportation upon approval of the governor and council.
- bp. These funds shall not be expended for any other purpose, and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15-a to 15-e inclusive.

- br. This appropriation shall not be transferred or expended for any other purpose. Debt service charges for all residence halls, dining halls and student unions shall be from the special fund maintained for income received from the collection of rents and the income therefrom.
- bs. For the fiscal years ending June 30, 1972 and 1973, the millage formula provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college, and shall be in lieu of requirements for appropriation under said RSA 187:24.

Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.
- bt. No charge against this appropriation or any other appropriation of the fish and game department, shall be made for telephone services for conservation officers, except for toll services.
- bu. In addition to the above appropriations any excess over the estimated revenue and balance may be expended by the fish and game commission with the prior approval of the governor and council. Appropriations for equipment shall not be transferred or expended for any other purpose.
- bv. Authority is hereby given to utilize so much as may be necessary of any surplus accumulated during fiscal 1971 and 1972 within the agency without the use of any other state funds, as may be specifically approved by the Governor and Council.
- bw. Such sums as may be required for the custody of certain inmates shall be transferred from the emergency fund upon approval by the governor and council.
- bx. This appropriation shall not lapse but shall be available for expenditures in fiscal 1973.
- by. Other provisions of law notwithstanding, the balance in the boiler inspection fund and the elevator inspection fund at June 30, 1971 shall lapse to the unappropriated surplus of the general fund and all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.
- bz. Other provisions of law notwithstanding, all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.
- ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of department of centralized automated data processing.
- cb. Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein.
- cc. Revenue in excess of the estimate resulting from municipal examinations may be expended with prior approval of the governor and council.

- cd. Other provisions of the law notwithstanding, total expenditures of the office of commission shall be assessed against the utilities.
- ce. Other provisions of the law notwithstanding, revenue received from property carriers division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund and the balance in the property carriers division fund at June 30, 1971, shall lapse to the unappropriated surplus of the general fund.
- cf. Other provisions of law notwithstanding, revenue received from property carriers division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.
- cg. These funds may be expended as necessary for the development of Comprehensive Transportation Plans and TOPICS studies required by the Bureau of Public Roads, and the construction of TOPICS projects. Contributions from local communities of 50% of the cost of the TOPICS study and 5% of the Comprehensive Transportation Plan shall be added to this appropriation, which shall be non-lapsing. No transfer shall be made from this appropriation.
- ch. Such portion of this amount as constitutes the compensation of the official state steward or associate judge of the state racing commission, shall be reimbursed to the state by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of oasi taxes. In addition to the sums appropriated for "other personnel services" the commission may pay, at salaries established by it, the state steward and the associate judge and that the track shall reimburse the state for the amounts so paid, plus oasi, and the funds reimbursed shall be credited to the appropriation for "other personnel services."
- ci. Legislative intent is that the advertising funds may be used for in-state cooperative promotion with governor and council approval.
- cj. The sums hereby appropriated shall be reduced by any revenue resulting from the operations of the facilities on Mount Washington.
- ck. Other provisions of law notwithstanding, the balance in the initial plate fund shall not lapse.
- cl. Revenue in excess of the estimate may be expended with prior approval of the governor and council.
- cm. This appropriation shall not lapse until June, 1973, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the President of the Senate and Speaker of the House, with the approval of the Fiscal Committee, from funds available in the Legislative Appropriation. Free distribution to the Members of the House and Senate, of the permanent House and Senate Journals, is hereby eliminated.
- cn. Bookmobile purchased to be used to service the general area of Exeter, N.H.
- co. In this appropriation in 1972 \$17,000 shall be for products used from the institutions farm, and no part of this amount shall be transferred or expended for any other purpose. The institution's

farm shall receive credit for all products used even though in excess of \$17,000 for 1972.

- cp. This appropriation shall be available for the custody of unmanageable inmates in out-of-state institutions or federal penitentiaries when no suitable institution exists in New Hampshire. Any payments out of this appropriation shall be made with approval of the governor and council. This fund may also be used for such inmates who have been sent to such out-of-state institutions from the Laconia state school and the New Hampshire hospital. No part of this appropriation shall be transferred to any other appropriation or expended for any other purpose.
- cq. This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered, at the rate of 5% of the income received from sale of sweepstakes tickets in liquor stores.
- cr. Transfers shall be made from the revenue account of the sweepstakes commission to cover actual expenditures from appropriated funds.
- cs. Subsidiary records shall be maintained by the sweepstakes commission which shall reflect proceeds and expenditures applicable to each sweepstakes year. The resulting net balance remaining from each year shall be paid out to the school districts of the state as provided by RSA 284:21-j and no funds of the sweepstakes commission shall be expended for legal services.
- ct. Expenditures from this appropriation for appraisal of utilities shall not exceed \$3,000.
- cu. This appropriation is for the registers of probate and shall not be transferred or expended for any other purpose.
- cv. To be used only for matching purposes with federal funds and this appropriation shall not be transferred or expended for any other purpose.
- cw. Notwithstanding any other statute or law to the contrary, the water resources board may not accept or receive any gift or grant of a dam, with or without the approval of the governor and council. This note does not apply to public law 566 projects.
- cx. This appropriation includes \$500 for insurance. This sum is to be available to cover the cost of premiums required for complete marine insurance to meet the unusual hazards which develop in off shore estuarine water quality control work.
- cy. The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.
- da. Within this appropriation an amount not to exceed \$93,561 shall be available for reimbursement to the division of state police.
- db. Within this appropriation an amount not to exceed \$93,821 shall be available for reimbursement to the division of state police.
- dc. Within this appropriation an amount not to exceed \$46,781 shall be available for reimbursement to the division of state police.
- dd. Within this appropriation an amount not to exceed \$46,911 shall be available for reimbursement to the division of state police.
- de. Within this appropriation an amount not to exceed \$46,780 shall be available for reimbursement to the division of state police.

- df. Within this appropriation an amount not to exceed \$46,910 shall be available for reimbursement to the division of state police.
- dg. In addition to the above appropriations, the vocational and technical institutes shall receive for disbursement any actual excess over the estimate in the income of the vocational and technical institutes' bookstore, evening school, summer school and day tuition provided, however, that said institutes may disburse any such category excess with the approval of the governor and council, only in connection with these services from which the excess arose, except for day tuition which shall be used in connection with current operating expenses.
- dh. These funds shall be non-lapsing and shall not be transferred or expended for any other purpose.
- di. This appropriation includes \$2,000 for Sunapee band concerts which shall not be transferred or expended for any other purpose.
- dj. The sums hereby appropriated may be expended for snow grooming in addition to snowmaking.
- dk. This appropriation shall be used to hire special counsel and a technical expert for the sole purpose of protecting the interests of the state in connection with the abandonment of rail lines by the Boston and Maine corporation.
- dl. Cost records shall be maintained of all actual costs applicable to services performed for local communities by the Tax Commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.
- dm. Federal revenue in excess of estimates may be expended upon prior approval of the governor and council.
- dn. Motor vehicle registration revenue and license revenue in excess of estimates may be expended upon prior approval of the governor and council for costs related to increased motor vehicle registrations and increased licenses respectively.

557:76 Effective Date. This act shall take effect July 1, 1971.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of governor, July 8, 1971.]

[Effective date July 1, 1971.]

CHAPTER 558.

AN ACT ESTABLISHING A HOOKSETT DISTRICT COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

558:1 Removal from Concord District. Amend RSA 502-A:1, XVI as inserted by 1963, 331:1 by striking out in line two the word "Allens-town" and by striking out in line three the words "Pembroke, Hooksett" so that said paragraph as amended shall read as follows:

XVI. CONCORD DISTRICT. The Concord district shall consist of the city of Concord and the towns of Pittsfield, Chichester, Loudon, Canterbury, Dunbarton, Bow, Hopkinton and Epsom. The municipal court for the

city of Concord is hereby constituted the district court in and for said district and shall be located in said Concord, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be Concord District Court.

558:2 **Hooksett District Court Established.** Amend RSA 502-A:1 as inserted by 1963, 331:1 and amended by 1965, 327:8 and 1969, 110:1-3 by inserting after paragraph XVI the following new paragraph:

XVI-a. **HOOCKETT DISTRICT.** The Hooksett district shall consist of the towns of Allenstown, Pembroke, and Hooksett. The municipal court for the town of Hooksett is hereby constituted the district court in and for said district and shall be located in said Hooksett, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be the Hooksett District Court, and the justice and the special justice of the Hooksett municipal court shall become, respectively, the justice and special justice of the Hooksett district court hereby established.

558:3 **Effective Date.** This act shall take effect upon the effective date of the resignation of the present justice of the Hooksett municipal court.

[Approved July 8, 1971.]
[Effective date. Upon resignation of present justice of Hooksett court.]

CHAPTER 559.

AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENTS.
Be it Enacted by the Senate and House of Representatives in General Court convened:

559:1 **Appropriation.** The sum of four million eight hundred nine thousand six hundred sixty-five dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment, and furnishings as are necessary to complete the same.

The appropriations for the projects are as follows:

I. Adjutant General	
Boiler replacement—Milford & Somersworth	\$18,500
II. Administration and Control	
(a) New State House roof	40,000
(b) Rework & moisture proof masonry light well, State House	48,000
(c) New cafeteria kitchen, State House	45,000
(d) Archives	93,300
Total paragraph II	
226,300	

III. Aeronautics Commission

(a) Keene Dillant-Hopkins
airport

Runway over run cost	36,683
Less local and federal	22,010

Net appropriation 14,673

(b) Nashua-Boire Field

New control tower	150,000
Less Local & New England regional commission	145,000

Net appropriation 5,000

(c) Laconia municipal airport
Additional amount for
NAVAID

18,000

(d) Grenier Field

Taxiway lighting W/S
Runway 17—35

Estimated Total	60,000
Less estimated revenue	39,000

Net appropriation 21,000

Total paragraph III

58,673

IV. Education

(a) Portsmouth vocational
technical college

Equipment—air com-
pressor, electric fur-
nace, adaptor and mil-
ling machine

16,300

(b) Manchester vocational
technical college

Equipment—AC/DC
mobile console and
mobile bench service
turret

15,200

(c) Berlin vocational tech-
nical college

Unimog Tractor

15,000

(d) Concord technical insti-
tute

Expand kitchen and
food storage

130,000

(e) Claremont vocational
technical college

Physical education area

5,000

(f) Master Plan Development

25,000

Total paragraph IV

206,500

V. Health and welfare

(a) N.H. Home for the elderly

- | | |
|---|---------|
| (1) Convert to cafeteria feeding | 50,000 |
| (2) Convert storage to recreation & therapy | 10,000 |
| (3) Addition to service building | 135,000 |

Total

195,000

(b) New Hampshire Hospital

- | | |
|--|---------|
| (1) Emergency and exit lighting | 100,000 |
| (2) Flat iron machine | 40,000 |
| (3) Planning & preliminary engineering admission & diagnostic building | 100,000 |

Total

240,000

(c) Laconia state school and training center

- | | |
|---|------------|
| (1) Education-training complex building | 2,019,292* |
| (2) Water tank installation | 90,000 |
| (3) Improvements & repairs | |
| Roof repairs, heating zones and motorized valves for various buildings, convert Rice building to steam, Felker building shower room renovation. | 148,500 |

*Includes 100,000 for therapy pool

Total

2,257,792

Total paragraph V

2,692,792

VI. Industrial School

- | | |
|--|--------|
| (a) Boiler replacement | 85,000 |
| (b) Roof replacement and renovations to existing buildings | 17,900 |

Total to paragraph VI

102,900

VII. Resources and Economic Development

Division of Parks

(1) Engineering and construction

(a) Franconia

Notch State
Park

i. Tramway

cables 150,000

ii. Base shelter 290,000

iii. Parking

lot 50,000

Less federal funding 25,000 25,000

Total Franconia Notch 465,000

(b) Berlin Wayside

Area 30,000

Less Federal
funds 15,000

Net appropriation 15,000

(c) Moose Brook 25,000

Less Federal
funds 12,500

Net appropriation 12,500

(d) Hampton Seawall 24,000

(e) Pisgah road improvement 125,000

Less Federal
funds 62,500

Net appropriation 62,500

(f) Land Acquisition 400,000**

Less Federal
funds 150,000

Net appropriation 250,000

**Land acquisition to include but not be limited to the acquisition of land for the corridor between Mount Sunapee State Park and Pillsbury State Park.

(g) Dredging of Hampton Harbor* 360,000

(h) Fort Constitution 50,000

(i) Fort Dearborn 50,000

Less Federal
funds 25,000

Net appropriation 25,000

Total paragraph VII 1,264,000

*To be on 5 yr. Bond Issue.

VIII. Soldiers' home		
(a)	Renovate west wing, main building	120,000
(b)	Renovate east wing, main building	15,000
		<hr/>
	Total	135,000
	Less federal match- ing funds	67,500
		<hr/>
	Net appropriation —Total paragraph VIII	67,500
IX. State Prison		
(a)	New roof east side main cell block	17,000
(b)	New equipment, auto. feed & trans. system, 13 x 18 platen press	24,000
(c)	Acquisition adjoining property #286 N. State St., Concord	7,500
		<hr/>
	Net appropriation —paragraph IX	48,500
X. Water Resources Board		
Dam repairs		
(a)	Silver Lake—Harris- ville	15,000
(b)	Webster Lake	20,000
(c)	Sunapee Lake	30,000
(d)	Northwood Lake	25,000
		<hr/>
	Total paragraph X	90,000
XI. Port Authority		
	Rebuild pilings at Barker wharf (tanker dock facili- ties)	14,000
XII. Liquor Commission		
	Reinforce loading ramp area, etc. Storrs Whse. drains	20,000
		<hr/>
	Total section 1	\$4,809,665
		<hr/>

559:2 Appropriation. The sum of three million two hundred ninety-two thousand dollars is hereby appropriated for the projects detailed in this section for the purpose of purchasing, constructing, furnishing, and equipping new educational facilities and alterations and additions to certain present buildings, services, and utilities at the University of New Hampshire as follows:

I. Durham campus

Alterations and renovation to James, Kingsbury, Morrill, Murkland Halls and Hood House	\$825,000
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II. Keene campus		
Library addition, working drawings		57,000
III. Plymouth campus		
(a) Remodeling of Guy Speare School for administration building	525,000	
(b) Design of college academic building	175,000	
(c) Campus lighting	60,000	
(d) Infirmary	600,000	
Total paragraph III		1,360,000
IV. Merrimack valley branch		
Design and land acquisition, phase I,* Dunbarton road site, Manchester		500,000
V. Land acquisition—all campus'		150,000
VI. New England network		
New studio equipment		400,000
Total section 2		<u>\$3,292,000</u>

*Subject to satisfactory test boring by public works

559:3 Appropriation. The sum of three million forty-five thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing, dining facilities and utilities at the University of New Hampshire as follows:

I. Durham campus		
(a) Resident Hall, 300 students, plans and design	120,000	
Total paragraph I		120,000
II. Keene campus		
(a) New residence hall	2,225,000	
(b) Additional dining facilities	250,000	
(c) Married student's house	450,000	
Total paragraph II		2,925,000
Total section 3		<u>\$3,045,000</u>

559:4 Transfer of Balance of Appropriations for old Post Office Building. The entire balances unexpended and unencumbered of the appropriation made by Laws of 1967, 394: 1, IX, as amended by Laws of 1970, 29: 5, and by Laws of 1969, 505: 1, II, (a), as amended by Laws of 1970, 29: 6, are hereby allocated to and appropriated for the planning and future construction of a Legislative Office Building utilizing the site of the old Post Office Building.

The department of public works shall expend such sums out of the said unexpended balance to prepare by and under the supervision of the department of public works of the following alternative proposals:

(1) renovation of the old Post Office structure for hearing rooms and legislative office space and/or,

(2) demolition of said building and the erection of a new structure to include legislative parking facilities, hearing rooms and office space. Such proposals shall be submitted to the legislative office space committee as soon as completed.

559:5 Expenditures, General. The appropriation made for the purposes mentioned in section 1 and the sums available for those projects shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

559:6 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received.

II. AVAILABILITY OF APPROPRIATION. The appropriations made in section 2 and 3 are available for all costs incident to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the University Board of Trustees may, in its discretion, wish to employ on such terms and conditions as the Board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the University board of trustees.

III. REJECTION OF LOW BIDS. If, in the judgment of the trustees of the University, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. REJECTION OF ALL BIDS. The board of trustees of the University has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

559:7 Land Acquisition. Any land acquired under the appropriations made in section 1, except such land, if any, as may be acquired under the

appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

559:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3 and 16 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million one hundred sixty-six thousand six hundred sixty-five dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided however that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

559:9 Maturity Date of Unissued 1969 Bond Authorization for the University of New Hampshire. Any bonds authorized for the University of New Hampshire by chapter 505: section 3 Laws of 1969 which are unissued upon passage of this act shall have a maturity date of thirty years from the date of issue.

559:10 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3 and 16 shall be made when due from the general funds of the state.

559:11 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187: 24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 hereof.

559:12 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects hereinbefore enumerated in section 1.

II. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

III. To accept any federal funds which are or become available for any project under section 1 beyond the estimated amounts. Such funds shall reduce appropriations and the bond authorizations made under these sections accordingly.

559:13 Transfers. The individual project appropriation, as provided in sections 1, 2, 3, 4 and 16 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

559:14 Appropriation Extension. The appropriation provided for capital improvements for the water resources board by Laws of 1965, chapter 281, section 1, paragraph X as extended for use by Laws of 1967, chapter 394, section 15 and by Laws of 1969, chapter 351, shall be available for expenditure until June 30, 1973.

559:15 Debt Limitation of Industrial Development Authority Increased. Amend RSA 162-A:12 (supp), as amended, by striking out in

line three the word "seven" and inserting in place thereof the word, (thirteen) and by striking out in line four the word "four" and inserting in place thereof the word (ten) so that said section as amended shall read as follows:

162-A:12 Debt Limitation. The authority may issue bonds and notes as follows:

(1) The authority may issue bonds or notes in an amount not to exceed thirteen million dollars at any one time, of which amount not more than ten million dollars shall be in connection with industrial projects, not more than one million dollars shall be in connection with projects for recreational facilities, and not more than two million dollars shall be in connection with projects for access roads to public airports and industrial areas.

(2) In addition to bonds and notes permitted under paragraph (1) above, the authority may issue bonds and notes in an amount not exceeding five million dollars at any one time on industrial facilities to be used for the following purposes:

(a) For loans which shall not exceed thirty percent of the appraised value of the industrial facility for which the loan is made. Payment of bonds or notes so issued may be subordinated to loans made by lending institutions operating under state or national charters. Such loans by the authority shall provide for amortization and interest rates at least equal to the terms contained in the loans made by the private lending institution and shall be secured by a second mortgage on the industrial facility.

(b) For loans which may be made in participation with lending institutions operating under state or national charters, but such participation shall not exceed fifty percent of the total granted by such institution and any such loan shall under paragraph (2) hereof be limited to borrowers whose industrial facilities are located in New Hampshire and which have been displaced, acquired or condemned under federal, state, county or municipal redevelopment, rehabilitation and highway projects. Any revenue bonds issued by the authority which, by the terms of repayment, are not an obligation of the authority or the state but are entirely supported and guaranteed by the revenue contract of a leasing corporation, shall not be included in determining the maximum amount of notes and bonds authorized herein.

559:16 Purchase of Office Buildings. There is hereby appropriated to be expended by the governor and council:

I. The sum of three hundred twenty thousand dollars for the purchase and renovation of the so-called New Hampshire Savings Bank Building, 97 North Main Street, Concord N.H.

559:17 Effective Date. This act shall take effect July 1, 1971.

[Approved July 8, 1971.]

[Effective date July 1, 1971.]

CHAPTER 560.

AN ACT RELATIVE TO THE ESTABLISHMENT OF AN OPEN SPACE LAND STUDY COMMISSION, AND RELATIVE TO THE APPRAISAL OF LAND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

560:1 Open Space Land Study Commission Established. There is hereby established an open space land study commission to be composed as follows: three representatives appointed by the Speaker of the House; one senator appointed by the President of the Senate; three citizens appointed by the Governor and Council; the director of the office of state planning or his designee and a representative of the University of New Hampshire designated by the president of the university. Said commission shall study all aspects of open space land use and preservation including but not limited to: use taxation; local, regional and state land use planning and zoning; scenic easements and public acquisition and management of open space lands. The following state officials shall be available to the commission as consultants: a state forester appointed by the director of the division of parks, department of resources and economic development; the commissioner of agriculture or his designee; a representative of the department of resources and economic development appointed by the commissioner of said department and a state tax commissioner selected by the tax commission. The commission shall report as it deems appropriate any interim findings or recommendations to the governor and to any special session of the 1971 general court and shall submit its final report together with any proposed legislation on or before January 15, 1973 to the 1973 session of the general court.

560:2 Interim Appraisal Provision. Until such time as the general court enacts legislation which provides for the current use assessment of any class of real estate as provided in Article 5-B, Part Second of the Constitution of New Hampshire, the selectmen may continue to assess land at its appraised valuation on the effective date of this act; provided, however, that such assessment shall be subject to the appeal and abatement procedures as provided in RSA 76.

560:3 Effective Date. This act shall take effect sixty days after its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution, without signature of governor, July 8, 1971.]

[Effective date September 6, 1971.]

CHAPTER 561.

AN ACT PROVIDING FOR THE REGULATION OF TITLE INSURANCE, PROVIDING THAT NOTICE OF NONRENEWAL OF MOTOR VEHICLE POLICIES IS NOT REQUIRED IN CERTAIN CASES, AND RELATIVE TO ELIMINATION OF UNFAIR INSURANCE PRACTICES AND RELATIVE TO THE EFFECTIVE DATE FOR NEW FEES AND DEFINING INSURERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

561:1 New Chapter. Amend RSA by inserting after chapter 416 the following new chapter:

CHAPTER 416-A [NEW]

TITLE INSURANCE CODE

416-A:1 Short Title. This chapter shall be known and may be cited as "The Title Insurance Code".

416-A:2 Definitions. As used in this chapter, unless the context otherwise requires:

I. "Title insurance" means insuring, guaranteeing, or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to said property.

II. The "business of title insurance" means the making or proposing to make, as insurer, guarantor, or surety, or any contract or policy of title insurance; or the transacting or proposing to transact, as insurer, guarantor, or surety, any phase of title insurance, including solicitation, negotiation preliminary to execution, execution of a contract of title insurance, and transacting matters subsequent to the execution of the contract and arising out of it, including reinsurance.

III. "Title insurance company" means any domestic company organized under the provisions of this chapter for the purpose of insuring titles to real property; any title insurance company organized under the laws of another state or foreign nation and licensed to insure titles to real estate within this state; and any domestic, foreign, or alien company having the power and authorized to insure titles to real estate within this state and which meets the requirements of this chapter.

IV. "Applicants for insurance" shall be deemed to include all those whether or not a prospective insured, who from time to time apply to a title insurance company, or to its agent, for title insurance, and who at the time of such application are not agents for a title insurance company.

V. "Premium" for title insurance is the amount charged by a title insurance company, agent for a title insurance company, or either of them, to an insured or an applicant for insurance for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy.

VI. "Fee" for title insurance means and includes the premium, abstracting and/or searching charge, examination charge, and every other charge, exclusive of settlement, closing or escrow charges, whether denominated premium or otherwise, made by a title insurance company, agent of a title insurance company, to an insured or to an applicant for insurance, for any policy or contract for the issuance of title insurance, but the term "fee" shall not include any charges paid to and retained by an attorney at law or abstracter acting as an independent contractor whether or not he is acting as an agent of a title insurance company or an approved attorney, or any charges made for special services not constituting title insurance, even though performed in connection with a title insurance policy or contract.

VII. "Title insurance agent" means a person authorized by a title insurance company to solicit insurance or to collect premiums, or to issue or countersign policies in its behalf.

VIII. "Approved attorney" means an attorney at law, who is not an employee of a title insurance company or of a title insurance agent, upon whose examination of title and report thereon a title insurance company may issue a policy of title insurance.

IX. "Single insurance risk" means the insured amount of any policy or contract of title insurance issued by a title insurance company unless two or more policies or contracts are simultaneously issued on different estates in identical real property, in which event, it means the sum of the insured amounts of all such policies or contracts. Any such policy or contract that insures a mortgage interest that is excepted in a fee or leasehold policy or contract, and which does not exceed the insured amount of such fee or leasehold policy or contract, shall be excluded in computing the amount of a single insurance risk.

X. "Net retained liability" means the total liability retained by a title insurance company under any policy or contract for insurance, or under a single insurance risk as defined in or computed in accordance with paragraph IX of this section, after the purchase of reinsurance.

XI. "Foreign title insurance company" means a title insurance company organized under the laws of any other state of the United States.

XII. "Alien title insurance company" means any title insurance company incorporated or organized under the laws of any foreign nation, or of any province or territory thereof, not included under the definition of foreign title insurance company.

416-A: 3 Compliance Required. No company shall underwrite or issue a policy of title insurance or otherwise engage in the business of title insurance in this state unless authorized by the provisions of RSA 416-A to transact such a business.

416-A: 4 Corporate Form Required. Any domestic title insurance company hereafter formed shall be organized as a stock corporation.

416-A: 5 Financial Requirements. Every title insurance company shall have a minimum capital, which shall be paid in and maintained, of not less than two hundred thousand dollars and, in addition, paid-in surplus of at least one hundred thousand dollars.

416-A: 6 Determination of Insurability Required. No policy or contract of title insurance shall be written unless and until the title insurance company has caused to be conducted a reasonable examination of the title and has caused to be made a determination of insurability of title in accordance with sound underwriting practices for title insurance companies. Evidence thereof shall be preserved and retained in the files of the title insurance company or its agent or its approved attorney for a period of not less than twenty years after the policy or contract of title insurance has been issued. In lieu of retaining the original copy, the title insurance company or the agent of the title insurance company, may in the regular course of business, establish a system whereby all or part of these writings are recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original. This section shall not apply to either a company assuming no primary liability in a contract of reinsurance, or a company acting as a coinsurer if one of the other coinsuring companies has complied with this section.

416-A: 7 Powers. Every title insurance company shall have the following powers:

I. To do the business defined in RSA 416-A: 2, III of this chapter.

II. To own, manage, and maintain sets of abstract books and, subject to the provisions of this chapter, make, compile, and sell abstracts of title to real estate.

III. To acquire by purchase or otherwise, and to hold, sell, mortgage, or otherwise dispose of real estate and personal property, or any interest therein, either within or without the state and to loan or borrow money upon such real estate or personal property.

416-A: 8 Prohibitions. A title insurance company shall not:

I. Engage in the business of guaranteeing the payment of the principal or the interest of bonds, notes, or other obligations;

II. Transact, underwrite, or issue any kind of insurance other than title insurance.

416-A: 9 Unearned Premium Reserve. In lieu of those reserves required for other insurance companies, every domestic title insurance company, and every foreign or alien title insurance company which under the state of domicile is not required to maintain a substantially equivalent unearned premium reserve shall, in addition to other reserves, establish and maintain a reserve to be known as the "unearned premium reserve" for title insurance, which shall, at all times and for all purposes, constitute the unearned portions of premiums due or received and shall be charged as a reserve liability of such title insurance company in determining its financial condition. The unearned premium reserve shall be retained and held by such title insurance company for the protection of the policyholders' interest in policies which have not expired. Except upon liquidation, dissolution, or insolvency, assets equal to the amount of such reserve shall not be subject to distribution among depositors or other creditors or stockholders of such title insurance company until all claims of policyholders or holders of other title insurance contracts or agreements of such title insurance company have been paid in full and all liability on the policies or other title insurance contracts or agreements, whether contingent or actual, has been discharged or lawfully reinsured. Income from the investment of the amount of such reserve shall be the unrestricted property of the title insurance company.

416-A: 10 Amount of Unearned Premium Reserve, Release.

I. The unearned premium reserve of every title insurance company required to maintain such reserves in this state shall consist of:

(a) The amount of the unearned premium reserve held as of the effective date of this chapter, pursuant to law; and

(b) The amount of all additions required to be made to such reserve by this section, less the withdrawals therefrom as permitted by this section.

II. Every title insurance company shall add to its unearned premium reserve in respect to each title insurance policy, leasehold policy, contract, or reinsurance agreement issued by it, a sum equal to one dollar for each such policy, contract, or agreement, plus fifteen cents for each one thousand dollars face amount of net retained liability on each such policy, contract, or reinsurance agreement, as defined in RSA 416-A: 2, X, or the amount reinsured by it, and shall separately record the aggregate amounts so set aside and reserved in respect to such policies, contracts, or agreements written in each calendar year.

III. The amounts set aside as additions to the unearned premium reserve shall be deducted from income in determining net profits of any title insurance company.

IV. For the purposes of determining the amounts of the unearned premium reserve that may be withdrawn pursuant to paragraph V of this section, all policies, contracts of title insurance, or reinsurance agreements of title insurance shall be considered as dated July first in the year of issue.

V. The aggregate of the amounts set aside in unearned premium reserve in any calendar year pursuant to paragraph II of this section shall be released from said reserve and restored to income pursuant to the following formula: One tenth of said aggregate sum on July first of each of the five years next succeeding the year of addition to the reserve and one thirtieth of said aggregate sum on July first of each succeeding year thereafter until the entire sum shall have been so released and restored to income.

VI. The entire amount of the unearned premium reserve held as of the effective date of this chapter pursuant to law shall be presumed to have been added to the reserve in the calendar year next preceding the effective date of this chapter and shall be released from said reserve and restored to income under the formula set forth in paragraph V of this section.

VII. If substantially the entire outstanding liability under all policies, contracts of title insurance, and reinsurance agreements of any such title insurance company shall be reinsured, the value of the consideration received by a reinsuring title insurance company authorized to transact the business of title insurance in this state, shall constitute in its entirety, unearned portions of original premiums and shall be added to its unearned premium reserve, and shall be deemed, for recovery purposes, to have been provided for liabilities assumed during the year of such reinsurance. The amount of such addition to the unearned premium reserve of such assuming title insurance company shall be not less than two thirds of the amount of the unearned premium reserve required to be maintained by the ceding title insurance company at the time of such reinsurance.

416-A: 11 Reserve for Unpaid Losses and Loss Expense.

I. Each title insurance company, in addition to other reserves, shall at all times establish and maintain reserves against unpaid losses, and against loss expense, and shall calculate such reserves by making a careful estimate in each case of the loss and loss expense likely to be incurred, by reason of every claim presented, pursuant to notice from or on behalf of the policyholder, of a title defect in or lien or adverse claim against the title insured, that may result in a loss or cause expense to be incurred for the proper disposition of the claim. The sums of the items so estimated shall be the total amounts of the reserves against unpaid losses and loss expenses of such title insurance company.

II. The amounts so estimated may be revised from time to time as circumstances warrant, but shall be redetermined at least once each year.

III. The amounts set aside in such reserves in any year shall be deducted in determining the net profits for such year of any title insurance company.

416-A: 12 Net Retained Liability. The net retained liability of any title insurance company under any single insurance risk as defined in RSA 416-A: 2, IX and X, shall not exceed fifty percent of the net amount remaining after deducting from the sum of its capital, surplus, unearned premium reserve, and voluntary reserves, the value, if any, assigned in such summation to its title plant, all as shown in its most recent report on file with the commissioner. The same limitation shall apply to any secondary risk assumed by means of reinsurance or to any policy of excess

coinsurance except, whenever the primary retained liability of a ceding company shall equal or exceed ten percent of the single insurance risk liability, the net retained or assumed liability limit of this section may be increased by an additional two hundred fifty thousand dollars, but in no event above one hundred percent of the net amount remaining after deducting from the sum of its capital and surplus, the value, if any, assigned in such summation to its title plant, all as shown by its most recent report on file with the commissioner. Nothing in this section is intended to limit the amount of a single insurance risk, as defined in RSA 416-A: 2, IX that may be written by a title insurance company; but it shall cede to one or more other title reinsurers on or before the effective date of such writing, such portion or portions of the said risk as shall be sufficient to bring its net retained liability thereunder within the limits prescribed in this section; and each such cession of risk shall be within the limits of this section as applied to the sum of the capital, surplus, unearned premium reserve, and voluntary reserves, less the value, if any, assigned in such summation to the title plants of the reinsuring company, as shown by its most recent report on file with the supervisory agency in the state of its domicile.

416-A: 13 Power to Reinsure. Any title insurance company may cede reinsurance of all or any part of its liability under one or more of its policies, contracts, or reinsurance agreements of title insurance to any reinsurer which meets or exceeds the financial requirements of a title insurance company to do business in this state and is authorized to engage in the business of reinsurance of title insurance in this or any other state; but, no larger amount of reinsurance shall be ceded to any reinsurer on a single policy or contract of title insurance, or on any single insurance risk as defined in RSA 416-A: 2, IX, than such reinsurer would be permitted to retain if authorized to engage in the business of title insurance in this state. Any title insurance company may also reinsure policies of title insurance issued by other insurance companies on risks located in this state or elsewhere. Any domestic title insurance company or any foreign or alien title insurance company authorized to do business in this state shall pay to this state taxes required on all business taxable within this state and reinsured, as provided in this section, with any foreign or alien company not authorized to do business within this state. Issuance of contracts of reinsurance by a reinsurer not authorized to engage in the business of title insurance in this state, but authorized to engage in the business of title insurance or in the business of reinsurance of title insurance in any of the United States, which contracts reinsure policies of title insurance issued by a title insurance company authorized to engage in the business of title insurance in this state on real property located in this state, shall not of itself constitute the doing of business in this state by such reinsurer.

416-A: 14 Legal Investments. Title insurance companies shall comply with the investment requirements for other insurance companies, under the laws of this state, but, in addition, may invest in a title plant. Such title plant shall be considered an asset at the fair value thereof. In determining the fair value of a title plant, no value shall be attributed to furniture and fixtures. The real estate in which the title plant is housed shall be considered an investment. The value of title abstracts, title briefs, copies of conveyances or other documents, indices, and other records comprising the title plant shall be determined by considering the expenses incurred

in obtaining them, the age thereof, the cost of replacements less depreciation, and all other relevant factors. Once the value of a title plant shall have been so determined, such value may be increased only by the acquisition of another title plant by purchase, consolidation, or merger. In no event shall the value of the title plant be increased by additions made thereto as part of the normal course of abstracting and insuring titles to real estate. Subject to the limitations of this section and with the approval of the commissioner, a title insurance company may enter into agreements with one or more other title insurance companies authorized to do business in this state whereby such companies shall participate in the ownership, management, and control of a title plant to serve the needs of all such companies, or such companies may hold stock of a corporation owning and operating a title plant for such purposes.

416-A:15 Title Insurance Agent's License.

I. Title insurance agents shall be licensed in the manner provided for agents of insurance companies by RSA 402:15 through RSA 402:26, except as otherwise provided in this section.

II. Full-time employees of a corporate contractual agent of a title insurance company, authorized by such company, or such contractual agent, to issue or countersign binders or policies in behalf of such title insurance company shall be licensed.

III. Nothing herein shall be construed to require the licensing of an attorney at law in good standing and admitted to practice before the supreme court of New Hampshire for the purpose of an examination of title and report of title thereon to a title insurance company upon which such title insurance company may issue a policy of title insurance.

IV. The commissioner of insurance may require such examination of applicants for licenses as title insurance agents as he shall consider necessary to carry out the purposes of this chapter.

416-A:16 Title Insurance Agents; Certain Names Prohibited. No agent for a title insurance company shall adopt a firm name containing the words "title insurance", "title guaranty", or "title guarantee", unless such words are followed by the words "agent" or "agency". The words "agent" or "agency" must be in the same size and type as the words preceding them. This section shall not apply to any title insurance company acting as agent for another title insurance company.

416-A:17 Rates and Rating Organizations.

I. Title insurance rates and rating organizations should be regulated in the manner provided by RSA 413 and RSA 414 except as otherwise provided in this section.

II. Every title insurance company shall file with the commissioner its schedule of fees, every manual of classifications, rules and plans pertaining thereto, and every modification of any of the foregoing which it proposes to use in this state. In every such filing, the company shall set forth that portion of the fee which is designated as premium as herein defined.

III. No schedule of fees or premium rates shall take effect until the commissioner shall approve the same as adequate, reasonable, and non-discriminatory; and no company authorized to transact business in this state shall make, write, place, or cause to be made any title insurance policy except at a rate approved by the commissioner.

416-A:18 Laws Applicable. In addition to the provisions of RSA 416-A, the laws governing insurance companies, except as they are

inconsistent with the provisions of RSA 416-A shall apply to the business of title insurance and to title insurance companies.

416-A: 19 Fees. The commissioner of insurance shall collect whatever fees he may establish by rule or regulation, provided however, said fees bear a reasonable relationship to the cost of administering the provisions of this chapter.

416-A: 20 Examination, Exception. The commissioner shall waive the requirement of such examination in the following cases:

I. Nonresident applicants who are licensed as title insurance agents in the states in which they reside, or if no license is required in said states, then nonresident applicants who have engaged in the business of title insurance for a period of six months;

II. Residents of the state who (a) have been engaged in the business of title insurance prior to the effective date of this act or (b) prove to the commissioner that they have passed a course on insurance conducted by an insurance company or an educational institution which course the commissioner has approved;

III. Attorneys-at-law.

416-A: 21 Rules and Regulations. The commissioner may make reasonable rules and regulations necessary to effect the purposes of this chapter.

416-A: 22 Applicability. The provisions of this chapter shall apply to all title insurance companies, title insurance rating organizations, title insurance agents, applicants for title insurance, policyholders, and to all persons and business entities deemed to be engaged in the business of title insurance.

561: 2 Compliance with Financial Requirements. Every domestic title insurance company which on the effective date of RSA 416-A has the capital required by law and whose reserve fund required by law has been approved by the commissioner of insurance, shall have until July first in the tenth year after the effective date of RSA 416-A to comply with the financial requirements of this act, but the capital and reserve fund of each such title insurance company shall at no time be less than that required by law immediately prior to the effective date of RSA 416-A.

561: 3 Prior Investments. Any investment of a title insurance company, lawfully acquired before the effective date of RSA 416-A and which but for this section would be considered ineligible as an investment on such effective date, shall be disposed of within five years from such effective date. The commissioner, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurance company and its policyholders, may extend the period for sale or disposal of such investment for a further reasonable time, in no event to exceed three years.

561: 4 Existing Licensees; Examinations. Applicants for a title insurance agent's license who are acting as title insurance agents in this state on the effective date of RSA 416-A shall not be required to take an examination for such license if application for the issuance of such license is filed with the commissioner within a period of six months immediately following the effective date of RSA 416-A.

561:5 Prior Existing Rules. All title insurance manuals of classifications, rules and rates, rating plans, and all modifications thereof filed under any law repealed by RSA 416-A shall be deemed to have been filed under RSA 416-A, and all title insurance rating organizations licensed under such repealed law shall be deemed to have been licensed under this act. All hearings and investigations pending under such repealed law shall be deemed to have been initiated under and shall be continued under RSA 416-A.

561:6 When Notice of Nonrenewal is not Required. Amend RSA 417-A by inserting after section 5 the following new section:

417-A:5-a [New] Notice of Nonrenewal not Required. A notice of nonrenewal for nonpayment of premium on a policy written on other than a continuous basis is not required if the insurer has manifested in writing its willingness to renew by issuing or offering to issue a renewal policy, certificate or other evidence of renewal or has manifested such intention in writing by other means.

561:7 Coercion. Amend RSA 417:4, V(b) as inserted by An Act to eliminate unfair insurance practices passed by the 1971 session of the general court by striking out the same and inserting in place thereof the following:

(b) Except as contained in the policy no insurer, corporation, partnership, or individual shall make any contract or agreement with any person insured or to be insured except as initiated by or agreed to by the person insured or to be insured that the whole or any part of his insurance which is subject to the provisions of this title, shall be placed by any particular corporation, partnership, or individual or be written by or in any particular company or insurer, or by or in any group of companies or insurers or by any agent or group of agents. Any contracts made in contravention of this section, shall be null and void.

561:8 Premium. Amend RSA 417:4, XII as inserted by An Act to eliminate unfair insurance practices passed by the 1971 session of the general court by striking out the same and inserting in place thereof the following:

XII. COLLECTING PROPER PREMIUM. Knowingly collecting as premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the commissioner, except a premium finance charge, consultants fee, policy fee, and/or service fee as allowed by law or regulation; or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved, such premiums and charges shall not be in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collecting, by surplus line brokers of the amount of applicable state and federal taxes in addition to the premium required by the insurer. Nor shall it be deemed to prohibit the charging and collecting, by an insurer, of amounts actually to be expended for medical examination of an applicant for insurance or for reinstatement of an insurance policy. Nor shall it be deemed to prohibit the charging or collecting by an insurance agent or

broker of a reasonable service charge or fee as may be determined by regulation.

561:9 Orders. Amend RSA 417:21 as inserted by An Act to eliminate unfair insurance practices passed by the 1971 session of the general court by striking out the same and inserting in place thereof the following:

417:21 Effect of Finding or Order. A final finding or order rendered in any proceeding before the insurance commissioner pursuant to RSA 417:10 to the effect that the defendant has engaged in an unfair insurance practice, shall be prima facie evidence against the defendant in any action or proceeding brought by any consumer against the defendant under the provisions of RSA 417:19, I. This section shall not apply to consent judgments. No consumer may recover more than once from the same supplier for the same act or practices.

561:10 Defining Insurers. Amend RSA 417-B as inserted by 1971, 453:1 by inserting after section 7 the following new section:

417-B:8 [New] Insurers. As used in chapter 417-B, insurer means any insurance company, association, or exchange authorized to issue policies of insurance in the state of New Hampshire.

561:11 Date for Fees. Amend the Laws of 1971, 244:20 by striking out said section and inserting in place thereof the following:

244:20 Effective Date. Any change in license fees provided by this act shall not take effect until the expiration date of the valid licenses in effect on August 1, 1971. Except as provided herein this act shall take effect August 1, 1971.

561:12 Appeal from Decision. Amend RSA 417:11 as inserted by An Act to eliminate unfair insurance practices passed by the 1971 session of the general court by striking out the same and inserting in place thereof the following:

417:11 Appeal. Any party to the proceedings aggrieved by any order or decision of the insurance commissioner pursuant to the preceding section shall be entitled to an appeal to the supreme court in accordance with the provisions of RSA 541, except that in the case of a fine imposed by any order or decision, the party aggrieved shall be entitled to an appeal to the superior court in the county in which he resides, if a resident, or, if a nonresident, in the Merrimack county superior court and a trial de novo in said court.

561:13 Effective Date. Sections 11 and 12 shall take effect on passage. The remaining sections shall take effect sixty days after its passage.

[Approved July 12, 1971.]

[Effective date. Sections 11 and 12 shall take effect July 12, 1971. Remaining sections shall take effect September 10, 1971.]

CHAPTER 562.

AN ACT RELATIVE TO THE DATE OF ANNUAL TOWN MEETINGS AND PRESIDENTIAL PREFERENCE PRIMARY AND RELATIVE TO THE DATES OF COOPERATIVE SCHOOL DISTRICT MEETINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

562:1 Town Meeting Date Changed. Amend RSA 39:1 by striking out in line two the word "second" and inserting in place thereof the word (first) so that said section shall read as follows:

39:1 Meetings, When Held. A meeting of every town shall be holden annually on the first Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor.

562:2 Optional Date of Town Meeting. Amend RSA 39:2-a (supp) as amended, by striking out in line four the word "second" and inserting in place thereof the word (first) so that said section as amended shall read as follows:

39:2-a Optional Provisions. Any town may at an annual meeting vote to conduct the choice of town officers elected by an official ballot and other action required to be inserted on said official ballot on the first Tuesday of March and authorize the selectmen to choose another day for the second session of the town meeting for the transaction of all other town business. Upon written application of ten or more voters, addressed to the selectmen, the following question shall be submitted to the voters at such annual meeting: "Do you approve of having two sessions for the annual town meeting in this town, the first session for choice of town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the selectmen, for transaction of other business?" This question shall appear upon the official ballot in towns having such a ballot, otherwise upon a special ballot prepared by the town clerk. Proper provision shall be made on the ballot to permit the voter clearly to indicate his choice on the question. If a majority of the legal voters present and voting on the question vote in the affirmative, the provisions of this section shall be declared adopted. In any town adopting the provisions hereof the warrant for an annual meeting held hereunder shall prescribe the place, day and hours of each session of said meeting and said warrant shall be posted as required for any town meeting. In a town "which has adopted" the provisions of this section no business other than the election of town officers elected by an official ballot and other action required to be inserted on said official ballot shall be taken up at the first session of said meetings. A town which has adopted the provisions hereof may rescind such action in the same manner as provided for its adoption. The question in this case shall be: "Shall the provisions for having two sessions of the annual town meeting be declared no longer in effect in this town?"

562:3 Delegates to National Convention. Amend RSA 57:1 by striking out in line one the word "second" and inserting in place thereof the word (first) so that said section shall read as follows:

57:1 Primary. On the first Tuesday in March each year when a president of the United States is to be elected, a primary shall be held for

the election of delegates at large, alternate delegates at large, delegates and alternate delegates to the national conventions of the various political parties to be held to nominate party candidates for president and vice-president of the United States.

562:4 Date and Form of Declaration of Candidacy. Amend the first paragraph of RSA 57:6 by striking out in line eleven the word "second" and inserting in place thereof the word (first) so that said paragraph shall read as follows:

57:6 —Form. Declarations of candidacy shall be in form as follows: "I declare that I reside in ward in the city (or town) of, county of and state of New Hampshire, and am a qualified voter therein; that I am a registered member of the party; that I am a candidate for election as delegate, (or as alternate delegate or delegate at large or alternate delegate at large) to the national convention of the party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official ballot of the party to be used at the primary to be held on the first Tuesday of March next. I further declare that if elected as such delegate (or alternate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control."

562:5 Date For Cooperative School District Meetings. Amend RSA 195:13 (supp) as amended, by striking out said section and inserting in place thereof the following:

195:13 Meetings, Annual, Special. A meeting of every cooperative school district shall be held annually between March fifteenth and April thirtieth for the choice of district officers, raising and appropriating money for the support of its schools for the fiscal year beginning July first next, and the transaction of other district business. Special meetings may be called by majority vote of the school board. A special meeting shall be held within thirty days following the receipt by the school board of a petition calling for such a meeting and setting forth the subject matter upon which action is desired signed by at least five percent of the voters who are duly registered on the check lists of the district on the date the petition is submitted. The provisions of RSA 197, excepting the provisions of RSA 197:2, shall apply to cooperative school district meetings, except that a copy of the warrant shall be posted in a public place in each pre-existing district as well as at the place of meeting.

562:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 12, 1971.]

[Effective date September 10, 1971.]

CHAPTER 563.

AN ACT CHANGING PART OF THE BOUNDARY LINE BETWEEN THE TOWNS
OF BARTLETT AND HART'S LOCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

563:1 Town Line. That portion of the boundary line between the towns of Bartlett and Hart's Location which begins at the southwest corner of Bartlett and the southeast corner of Hart's Location and extends northerly to intersect the Saco river shall be as follows: Beginning at a point on the southerly bank of the Saco river opposite Sawyer's Rock, thence, south six degrees, forty-five feet west to a drill hole on the top of Sawyer's Rock, thence on the same course a distance of two thousand nine hundred fifty feet, more or less, to a stake and stones at the top of a steep ledge on the north cant of Bartlett Haystack mountain, which marks the southwest corner of the town of Bartlett and the southeast corner of the town of Hart's Location. All of that portion of the town of Hart's Location lying east of the above described line, if any, is hereby disannexed from the town of Hart's Location, and annexed to the town of Bartlett.

563:2 Referendum. The provisions of section 1 of this act shall take effect pursuant to the provisions of RSA 51:9 upon ratification by two thirds of those voters present and voting in the towns of Bartlett and Hart's Location, and each town clerk shall certify within ten days to the secretary of state, the result of said referendum.

563:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 12, 1971.]

[Effective date September 10, 1971.]

CHAPTER 564.AN ACT PROHIBITING THE USE OF MOTORBOATS ON BERRY POND
IN MOULTONBOROUGH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

564:1 Motorboats Prohibited. Amend RSA 486 by inserting after section 11 (supp) the following new section:

486:12 [New] Berry Pond. No person shall use or operate any motorboat or other boat equipped with an outboard motor on the waters of Berry pond in the town of Moultonborough. Whoever violates the provisions of this section shall be fined not more than fifty dollars.

564:2 Effective Date. This act shall take effect sixty days after its passage.

[Enacted in accordance with Article 44, Pt. II of N.H. Constitution without signature of governor, July 14, 1971.]

[Effective date September 12, 1971.]

THE STATE OF NEW HAMPSHIRE

Office of Secretary of State
Concord, August 23, 1971

I hereby certify that the acts and resolutions contained in this volume have been compared with the originals in this office and found to be correctly printed.

ROBERT L. STARK
Secretary of State

SESSION LAWS 1971

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